


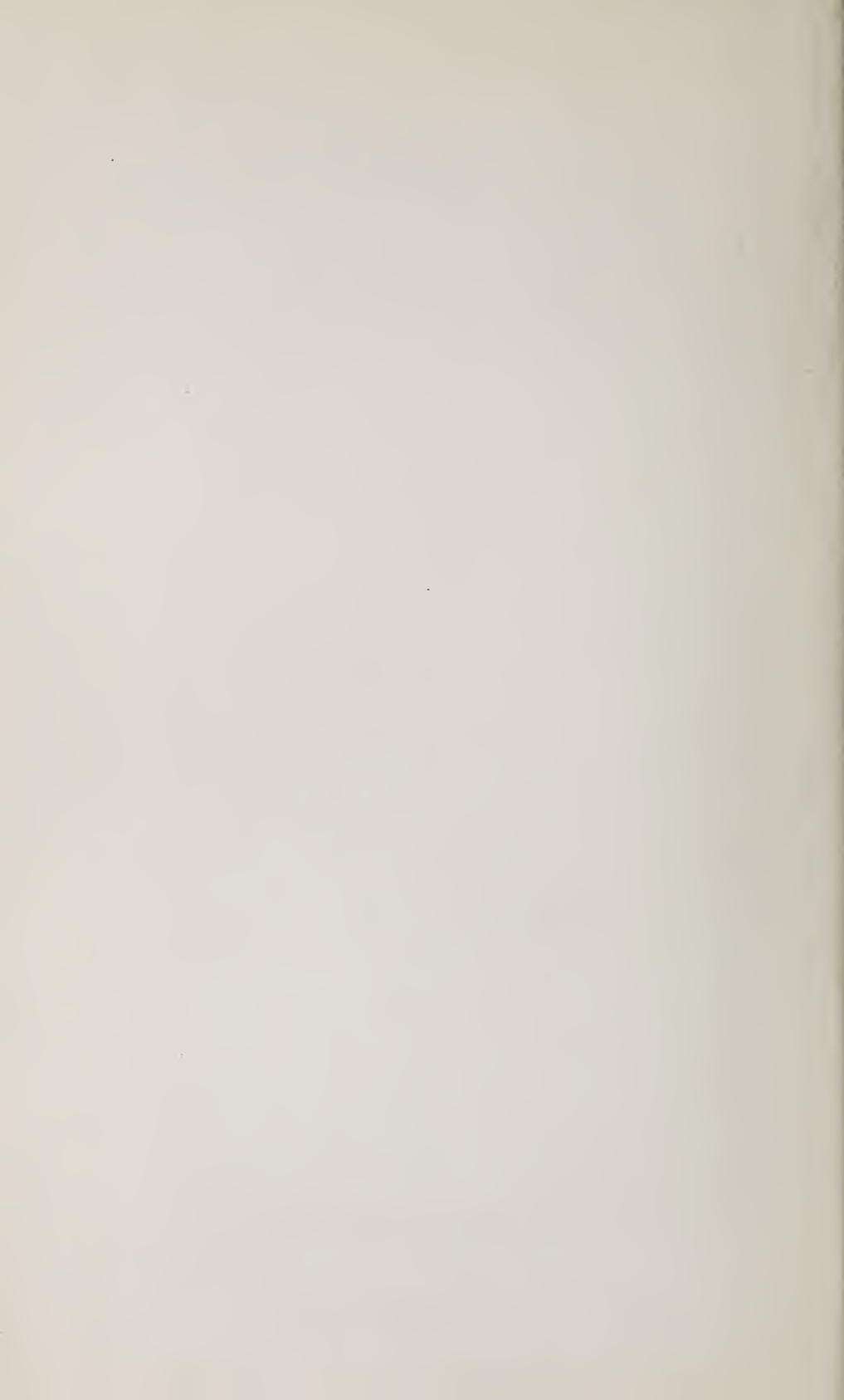
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THE
Province and the States

A HISTORY OF THE PROVINCE OF LOUISIANA UNDER
FRANCE AND SPAIN, AND OF THE TERRITORIES
AND STATES OF THE UNITED STATES
FORMED THEREFROM

IN SEVEN VOLUMES

ILLUSTRATED WITH NUMEROUS MAPS AND PORTRAITS

Weston Arthur Goodspeed, LL. B.

Editor-in-Chief

VOL. VI

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State of Minnesota

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Minnesota

CHAPTER I

Prior to Territorial Organization

EARLY in the seventeenth century, the French traders of Montreal, Quebec and the other trading posts along the St. Lawrence river were sending their agents into the unexplored regions of the northwest to negotiate treaties and establish trade with the Indian tribes. In 1615 one of these pioneers, Samuel Champlain, visited the Huron Indians and from them heard wonderful stories of a great lake which they called "Gitchee Gumee," and which they reported to be so large that it required nine days for an Indian to cross it in a canoe. Three years later Stephen Brulé, an agent of the same trading company that had sent out Champlain, and the first white man to look upon the water of the "Gitchee Gumee" of the Hurons, stood upon the shores of Lake Superior. From the Indians along the shores of this lake, Brulé learned of the existence of a rich country farther west—beyond a great river. A few years later (1634) these reports were re-enforced by Jean Nicollet, who heard similar accounts from the Indians in the vicinity of Green Bay, on the western coast of Lake Michigan. These stories, repeated at the French settlements and trading posts along the St. Lawrence, created a desire to know more of the country which the natives extolled so highly.

The century was more than half gone, however, before any white men were permitted to set foot upon the soil of what is now

the State of Minnesota. In 1659 Medard Chouart and his brother-in-law, Pierre d'Esprit, the former known in history as the *Sieur Groselliers* and the latter as *Sieur Radisson*, visited the village of the *Nadessious*, or *Sioux*, near *Mille Lacs*, after first spending some time among the *Indians* of *Green Bay* and *Sault Ste Marie*. There they spent the winter, hunting and trading with the *Indians*, and, in the spring of 1660, set out on their return to *Montreal*, where they arrived about the middle of August with sixty canoes laden with peltries. This first visit of white men to *Minnesota* led indirectly to the organization of *Hudson's Bay Company*, which wielded so much influence over events in the northwest during the next two centuries.

In 1678 an expedition under *Daniel Greysolon DuLuth* was sent out by the French traders along the *St. Lawrence*. It consisted of seventeen Frenchmen and three *Indians*, and left *Montreal* on September 1. The following April, *DuLuth* sent word to *Governor Frontenac*, from the shores of *Lake Superior*, that he would remain in the *Sioux* country until further orders, and that he would set up the king's arms, "lest the English, and other Europeans, should take possession of the country." Accordingly, on July 2, 1679, he affixed the arms of France to a tree at *Kathio*, the largest of the villages belonging to the *Isanti* or *Knife Sioux*, near *Mille Lacs*. He named this body of water *Lake Buade*.* Thus *Minnesota* became a dependency of France.

After laying claim to the country *DuLuth* returned to *Lake Superior*, and when near the western extremity of the lake on September 15, held a council with the *Assiniboines* and other northern tribes, whom he persuaded to make peace with the *Sioux*. The next spring, with four Frenchmen and an Indian guide, he ascended the *Bois Brule* to its source, and made a portage to the head waters of the *St. Croix*, down which he went until he reached the *Mississippi*. This was accomplished during the first few days of July, 1680. In the preceding March, *La Salle* had sent *Father Louis Hennepin*, a Dutch friar of the *Franciscan* order, *Michael Accault*, and *Picard du Gay* to explore the *Upper Mississippi*. On April 11 they were captured by a band of the *Santee Sioux*. When *DuLuth* came to the *Mississippi* he heard of their captivity and took steps to secure their release.

Just what occurred in connection with this captivity is to some extent a matter of conjecture. *La Salle* in his narrative denies that *Hennepin* or *Accault* was a prisoner. Referring to *DuLuth's* claim he says: "All that *DuLuth* can say is . . . He made it easier for them to return sooner than they would have done,

*The family name of *Count Frontenac*.

because messengers whom I had sent had been dissuaded from going on."

From Hennepin's account one would infer that they were prisoners. After describing the Black river, he says: "Thirty leagues higher up you find the Lake of Tears, which we so named because some of the Indians who had taken us, wishing to kill us, wept the whole night, to induce the others to consent to our death." However this may be, it cannot be gainsaid that Hennepin and DuLuth met each other, or that to Hennepin belongs the honor of discovering and naming the Falls of St. Anthony.

In the spring of 1685 Nicholas Perrot, one of the most prominent of the *coureurs des bois*, was appointed commandant of the west, by De La Barre, governor of New France. During the following winter he traded with the Indians of Minnesota, and in the spring of 1686 built Fort St. Antoine on the east side of the Mississippi, a short distance above the mouth of the Chippewa river. Scarcely had the fort been completed, when he was called east by the new governor, Denonville, and, during the next two years, he was absent most of the time from the post he had established.

On May 8, 1689, at Fort St. Antoine, the Proces-Verbal, the first written agreement concerning Minnesota, was drawn up and signed. This famous document sets forth the origin and extent of Perrot's authority, describes how his expedition came into the country, names the various tribes with whom amicable relations had been established, and finally, in the name of the king, takes possession of the region watered by the Mississippi and its tributaries, the Wisconsin, St. Croix and St. Pierre. Among the witnesses were Pierre Le Sueur and the Jesuit missionary, Father Joseph Marest.

Friendly relations were thus established among the various Indian tribes, and the profitable trade of the Sioux was secured to the French. But no one knew how long this peace would last. The Sioux and Chippewas were almost constantly at war, and hostilities might be resumed at any time. The St. Croix and Bois Brule rivers ran through the Chippewa country; and, as it was by this channel that the French traders reached the Mississippi, it was important that they should be kept open.

This work was committed to Pierre Le Sueur, who at first stationed himself at La Pointe,* but in 1694 descended the St. Croix

*Now Bayfield, Wisconsin.

river. For the better carrying out of his purpose of erecting a barrier between the warring tribes, he built a fort on Isle Pelee, in the Mississippi river, not far from the site of the present town of Red Wing, which he named Fort Le Sueur. This was the first post established by white men within the present limits of Minnesota.†

The next summer, with a party of Sioux and Chippewas, Le Sueur visited Montreal. From there he went to France, where, in 1697, he obtained a license to open up the mines of Minnesota. Vexatious delays occurred, however, so that it was late in 1699 before he returned to America, sailing in the same vessel with D'Iberville, the new governor of Louisiana. With a canoe, a felucca, and twenty-eight men, he began the ascent of the Mississippi in April, 1700, and on September 19 arrived at the mouth of the Minnesota. From this point the movements of the expedition are best described by Penicaut, one of the party. He says:

"We took our route up the St. Pierre* and ascended it twenty leagues, where we found another river falling into it, which we entered. We called this Green River,** because it was of that color by reason of an earth which, loosening itself from the copper mine, becomes dissolved in the water. A league up the river we found a point of land a quarter of a league distant from the woods, and it was upon this point M. Le Sueur resolved to build his fort, because we could not go any higher on account of the ice, it being the last of September. Half our people went hunting while the others worked on the fort. We killed four hundred buffaloes, which were our provisions for the winter, and which we placed upon scaffolds in our fort after having skinned, cleaned and quartered them. We also made cabins in the fort, and a magazine to keep our goods. After having drawn up our shallop within the enclosure of the fort, we spent the winter in our cabins."

This fort was finished about the middle of October, and was named L'Huillier in honor of the Farmer General of Paris. In the spring of 1701 the whole party went to work in what they supposed was a copper mine. Twenty or thirty thousand pounds of the green and blue clay were collected—four thousand pounds of which were sent to France for assay. In May, Le Sueur set out on his return down the Mississippi, the boats being laden with

†Some writers speak of a post at Grand Portage, which was built before 1680, as the first settlement in Minnesota. But the reports are based on Indian tradition, and probably refer to DuLuth's fort north of Pigeon river, near Thunder Bay, and therefore on British soil.

*The Minnesota.

**The Blue Earth, so-called because of the blue clay found along its course.

furs he had obtained in trade with the Indians. Twelve men, under the command of M. D'Eraque, were left at Fort L'Huillier, Le Sueur promising to send them supplies from the Illinois country. The supplies never arrived; and, the Sacs and Foxes showing hostility toward the whites, D'Eraque was forced to evacuate the post. This was the second effort to establish a post on the soil of Minnesota.

On the seventeenth of September, 1727, a party of traders from Montreal, under the command of Capt: Rene De Boucher, arrived at Lake Pepin, and, on the low peninsula, since known as Point au Sable, began the construction of a fort. With the company were two priests, Fathers DeGouor and Guignas, whose purpose was to establish a mission among the Indians. The fort was soon completed and named Beauharnois in honor of the governor of Canada. It consisted of a stockade twelve feet high, enclosing a plat of ground a hundred feet square. Inside of this stockade were three cabins, each about sixteen by thirty feet. It is supposed that the three buildings were intended for a chapel, storehouse, and quarters. The mission thus established was dedicated to St. Michael.

The high water, in the spring of 1728, drove the inmates from the fort; and, the Indians becoming unfriendly, it was soon deserted entirely. It was afterward rebuilt on higher ground, and occupied by traders, with varying fortunes, until about 1750. Its later history is not definitely known; but, when Carver visited the place in 1766, he found nothing but a pile of ruins. Other attempts to establish posts were made, but none attempted was destined to endure.

By the treaty of Versailles, in 1763, the English came into possession of all that part of Minnesota east of the Mississippi and of a line drawn due north from the source of that river. But notwithstanding the territory had passed into English hands, the French still retained the Indian trade; and, save for the establishment of Fort Edward Augustus, in the place of the old French post at Green Bay, and the visit of Captain Carver to the upper Mississippi, no endeavor was made by the new possessors for several years, to establish posts west of the Great Lakes.

Three years after the treaty of Versailles, Jonathan Carver, a native of Connecticut, and an officer in the English army during the war with France, enlisted the co-operation of Major Rogers, the commandant at Mackinaw, in a project to explore the new acquisition. Leaving Mackinaw early in September, 1766, with

a party of French and English traders, he proceeded to Green Bay. From this point he made the portage by way of Fox and Wisconsin rivers to Prairie du Chien. There his company of traders left him; and, with only a Canadian boatman and an Indian, he began the ascent of the Mississippi. After visiting the Falls of St. Anthony, he returned to the Minnesota river, ascended that stream to the mouth of the Cottonwood, and spent the winter with the Indians not far from the present site of New Ulm.

About thirty miles below St. Anthony's Falls, Carver discovered a cave in the white sandstone bluffs, which still bears the name of Carver's cave. This cave was called by the Indians "Wakan tepee" (dwelling of the Great Spirit); and, at the time of his visit, Carver found the walls about the entrance covered with strange legends in the Indian picture writing. As he was returning, he held a council there, May 1, 1767, with some of the Sioux chiefs, who granted to him a large tract of land. The deed was as follows:

"To Jonathan Carver, a chief under the most mighty and potent George the Third, King of the English and other nations, the fame of whose warriors has reached our ears, and has been now fully told us by our good brother Jonathan aforesaid, whom we rejoice to see come among us, and bring us good news from his country.

"We, the chiefs of the Naudowessies, who have hereto set our seals, do by these presents, for ourselves and our heirs forever, in return for the many presents and other good services done by the said Jonathan to ourselves and allies, give, grant and convey to him, the said Jonathan, and to his heirs and assigns forever, the whole of a certain tract and territory of land divided as follows, viz.:

"From the Falls of St. Anthony, running on the east bank of the Mississippi, nearly southeast as far as the south end of Lake Pepin, where the Chippewa river joins the Mississippi, and from thence eastward five days travel, accounting twenty English miles a day, and from thence north six days travel, at twenty English miles per day, and from thence again to the Falls of St. Anthony on a direct straight line.*

"We do, for ourselves, heirs and assigns, forever, give unto the said Jonathan, his heirs and assigns, forever, all the said lands, with all the trees, rock and rivers therein, reserving the sole liberty of hunting and fishing on land not planted or improved by said

*All of the tract described in this deed, except part of Washington and Ramsey counties, lies in the present state of Wisconsin.

Jonathan, his heirs and assigns, to which we have affixed our respective seals.

"At the Great Cave, May first, one thousand seven hundred and sixty seven.

His

"Haw-na-paw-gaten X (Picture of a beaver)

Mark

His

"O-toh-ton-goom-lish-eaw X (Picture of a Snake)"

Mark

Carver went to England where he published a book describing the country along the Upper Mississippi, his description of St. Anthony's Falls, the island below and the eagles' nests, being particularly striking. He died in great poverty in 1780; and, though he makes no mention of the above deed in his book of travels, his wife sold her interest in 1784 to Edward Houghton, of Vermont, for fifty thousand pounds. Samuel Peters, an Episcopal minister, also claimed to have purchased an interest in this land; but neither the British government before the Revolution, nor the United States afterward, would recognize the validity of these claims. In 1821, by authority of congress, General Leavenworth investigated the matter and pronounced the title absolutely worthless. Among other things he ascertained that the River Sioux never claimed to own any land east of the Mississippi, and that the oldest traditions of the tribe knew nothing of chiefs named "The Beaver" or "The Snake." Parts of this tract were sold, however, by Carver's heirs and assigns, some of the deeds being still in existence in the archives of the Minnesota Historical Society.

In 1783 the Northwest Fur Company was organized, with headquarters at Montreal. The same year, by the treaty of Paris, that portion of Minnesota lying east of the Mississippi came under the dominion of the newly recognized government of the United States; but the Northwest Company continued in possession, and went on establishing posts as though the territory was still under British rule.* The principal posts were at Sandy lake, Red Cedar (now Cass) lake, and Leech lake; and the agents of the Northwest Company used every effort to keep the Indians loyal to British interests.

This condition of affairs continued till the beginning of the nineteenth century. In 1803 that part of Minnesota lying west of the Mississippi became subject to the United States by means

* See the general history, Volumes I and II, for an account of the operations of the fur companies.

of the "Louisiana Purchase." Two year later the government sent Lieut. Zebulon M. Pike to the Upper Mississippi to explore the region, to proclaim the supremacy of the United States, and to make treaties with the Indians, who had been taught by unscrupulous representatives of the Northwest Company to disregard the authority of the new republic. Pike's company consisted of twenty men—seventeen privates and three non-commissioned officers. He left St. Louis in August, and, on September 21, camped near the mouth of the Minnesota river, on the island that has ever since been known as Pike's Island. On September 23, Pike held a council with the Sioux under Little Crow and Rising Moose on the bluffs where Fort Snelling was afterward built. The council met under an awning made of sails. Lieutenant Pike made a speech which pleased the Indians, and they acknowledged the authority of the United States. Two tracts of land, for military posts, were ceded by the Indians at this council; one nine miles square at the mouth of the St. Croix, and the other eighteen miles wide, nine miles on either side of the Mississippi, extending from the mouth of the Minnesota to the Falls of St. Anthony. The consideration for the two cessions was two thousand dollars. This was the first council ever held by direction of the United States with the Indians of Minnesota.

Pursuing his way up the Mississippi, Pike reached the mouth of the Swan river, about the middle of October, where bad weather compelled him to go into winter quarters. A blockhouse was built, the provisions and some of the larger boats were placed within the stockade, and left in charge of a sergeant, with most of the men, while Pike with a few privates and a corporal went on in quest of the trading posts. He reached the post at Red Cedar lake on the third of January, 1806, and late in the evening of the eighth came to the post at Sandy lake where he was hospitably received. February 1 found him at Leech lake, where he was received by Hugh McGillis, the head of the Northwest Company for that district. McGillis promised to observe the laws of the United States. Pike then hoisted the American flag over the post, and allowed his soldiers and the Indians to shoot at the British pennant until it came down.

Later in the month he held a council with the Sauteurs (Ojibways or Chippewas) of the Leech and Red Lake bands. At this council the Indians gave up their British flags and medals, promised to make peace with the Sioux, and agreed to allow two of their principal warriors to go to St. Louis with Lieutenant Pike on his return.

After the War of 1812 the United States government gave more encouragement to American citizens engaged in the North-west trade. But the English traders of the Selkirk settlements on the Assiniboine and Red rivers, and those associated with the notorious Robert Dickson, who for several years after the war continued to live at Lake Traverse, looked upon the Americans as trespassers, and secretly encouraged the Indians to commit depredations upon the American posts. The movements of the British at these points finally stimulated the war department to take active steps for the better protection of the settlers and traders and a more permanent military occupation of the territory. In 1817 Maj. Stephen H. Long visited the country and, in his report, among other things, recommended the point between the Mississippi and Minnesota rivers as a suitable site for a military post.

In February, 1819, Maj. Gen. Jacob Brown, acting under instructions of the war department, sent Col. Henry Leavenworth, of the Fifth infantry, with part of his command, to build a fort at the place recommended by Major Long. This site had been secured by Lieutenant Pike in his treaty with the Indians fourteen years before; and in June, 1819, Maj. Thomas Forsythe left St. Louis with two thousand dollars worth of goods, to make the payment agreed upon by Lieutenant Pike.

Major Forsythe joined Leavenworth at Prairie du Chien July 5, and on Sunday morning, August 8, the entire expedition started up the river. Besides Colonel Leavenworth's barge there were fourteen bateaux, carrying ninety-eight soldiers and officers, two large Mackinaw boats loaded with supplies, and Major Forsythe's keel-boat containing the goods for the payment to the Indians. They arrived at the mouth of the Minnesota late in August, and on September 3, a camp was located upon the site of the present town of Mendota. A few days later two more bateaux with one hundred and twenty men arrived; and, by the time cold weather came, cabins had been erected of sufficient capacity to provide comfortable quarters for everybody through a long, cold winter.

Work upon the fort proper was not begun until the following year. In August, 1820, Col. Josiah Snelling arrived and succeeded Colonel Leavenworth in command. In September the corner stone of Fort Snelling was laid; and, although the work was pushed forward as fast as circumstances would permit, it was October, 1822, before it was pronounced complete. The

fort was christened Fort St. Anthony, but at the suggestion of General Scott the name was changed in 1824 to Fort Snelling.

During the summer of 1820, an exploring expedition under the leadership of Lewis Cass, then governor of Michigan Territory, visited Minnesota by way of the Great Lakes and the St. Louis river. Capt. David B. Douglas was the engineer, C. C. Trowbridge, topographer, and Henry R. Schoolcraft, mineralogist. One of the objects of the expedition was to ascertain the source of the Mississippi river, and the conclusion was reached that the source was in Red Cedar lake, the name of which was changed to Cass lake. Another object was to bring about peace between the Sioux and Chippewa Indians, and on the first of August a council was held at Mendota with the leading chiefs of these two tribes. At this council was Maj. Lawrence Taliaferro, the first Indian agent in Minnesota. A treaty by which both tribes agreed to keep the peace was made, but it was soon afterward ignored and they were again involved in war.

The settlement which grew up around Fort Snelling was the first permanent settlement in Minnesota.* Some of the officers brought their families with them; and about the time the corner stone of Fort Snelling was laid Captain Gooding's daughter was married to Lieut. R. P. Green. This was the first marriage of white people in Minnesota.

While the fort was being built, a little saw mill was put up by government order on the west side of the Mississippi a short distance below St. Anthony's Falls. The next year a flour mill was built just below the saw mill. On the second of April, 1823, Colonel Snelling wrote to the quartermaster general that the troops would raise during the ensuing year a quantity of wheat sufficient to furnish bread for the garrison. The records of the commissary department of that year show that Fort Snelling (Fort St. Anthony at that time) was charged with—

| | |
|----------------------------------|----------|
| One pair buhr millstones..... | \$250.11 |
| 337 pounds plaster of Paris..... | 20.22 |
| Two dozen sickles | 18.00 |
| <hr/> | |
| Total | \$288.33 |

At the time this bill was rendered, General Gibson wrote to Lieutenant Clark, the commissary at Ft. Snelling: "Below you will find the amount charged on the books against the garrison at

*Jean Baptiste Faribault settled at Mendota in 1826; his settlement was the first outside of Fort Snelling.

Fort St. Anthony for certain articles, and forwarded for the use of the troops at that post, which you will deduct from the payments to be made for flour raised and turned over to you for issue." January 19, 1824, General Gibson again wrote: "The mode suggested by Colonel Snelling, of fixing the price to be paid to the troops for the flour furnished by them is deemed equitable and just. You will accordingly pay for the flour \$3.33 per barrel."

May 10, 1823, the first steamboat arrived at the fort. It was named Virginia, and was one hundred and eighteen feet long by twenty-two feet wide. Though not a very large nor pretentious boat, it was saluted with a discharge of artillery from the fort with as much ceremony as though it had been the Great Eastern. During the summer of this year, a number of Swiss from the Selkirk colony near Pembina reached Fort Snelling in a pitiable condition. After being relieved they settled on the east bank of the Mississippi opposite the fort and began farming, being the first farmers in Minnesota. Some years later the government chose that portion of the country for a military reservation. The Swiss being squatters, the secretary of war ordered their removal. To this the Swiss objected, and the military from Fort Snelling was called out to enforce the order. Little ceremony was used; the Swiss were forcibly ejected, and their cabins burned to the ground. Thus, in 1829, they were again rendered homeless.

August 19, 1825, representatives of all the northwestern tribes assembled in grand council at Prairie du Chien. Governor Clarke of Missouri and Governor Cass of Michigan Territory represented the United States government. At this council the Sioux and Chippewas present agreed to bury the hatchet and to have a boundary line established between their hunting grounds. The next summer Governor Cass visited the Chippewa country. In a council at Fond du Lac, Minn., at which all the Chippewa bands were represented, the tribe renounced all allegiance to Great Britain and promised to recognize at all times the sovereignty of the United States.

Unfortunately the Sioux did not keep their part of the agreement made at Prairie du Chien. In May, 1827, a party of twenty-four Chippewas from Sandy lake encamped just outside the walls of Fort Snelling, made a feast for a party of Sioux, and, after the banquet, sat down and smoked the peace pipe together. After dark the Sioux started to leave the Chippewa camp. When a short distance away, they turned and discharged their guns upon their recent hosts. The light of the camp fire enabled them to

take good aim, with the result that two were killed and six wounded. This incident reopened the strife between the two tribes. Colonel Snelling did everything in his power to ferret out and punish the offenders; but the contest continued for several years, the Winnebagoes finally being drawn into it through a mistake. Troops were concentrated at Prairie du Chien, in anticipation of a border war, and the Indians, being thus threatened, became quiet.

July 15, 1830, at Prairie du Chien, treaties were made with the Sacs and Foxes and the Sioux, by which the government of the United States became possessed of the first land in Minnesota, obtained by treaty with the Indians, except the Fort Snelling reservation. The greater part of the cessions made by these treaties lay in Iowa. That made by the Sacs and Foxes extended into Minnesota, west of Coteau des Prairies, forming a triangular tract, containing about one hundred square miles, in what are now Nobles and Jackson counties. All southeast of a line drawn from the mouth of the Black river, and crossing the Iowa boundary about the middle of Fillmore county, was ceded by the Sioux. This included the greater part of Houston county and the southeastern part of Fillmore. Other tribes relinquished their claims to these tracts in 1837 and 1846.

At Prairie du Chien, in 1830, a reservation for half-breeds was set apart on the Mississippi river by the same council. This reservation began on the west bank of the river at a place called "the Barn," near the village of Red Wing; thence extended back at right angles to the Mississippi for fifteen miles; thence took in a southeasterly direction, parallel with Lake Pepin for thirty-two miles; thence in a direct line to the Mississippi opposite the mouth of the O'Boeuf river. The half-breeds refused to live upon this reservation, and, in 1851, the government bought it for one hundred and fifty thousand dollars. In 1830 Fort Snelling was enlarged to a four company post; a hospital was erected, and a line of stone wall defences, which was not completed until 1849, was begun.

During the summer of 1832 Henry R. Schoolcraft, at that time Indian agent at Sault Ste Marie, acting under instructions of the war department, visited the Chippewa tribes on the Upper Mississippi, for the purpose of negotiating treaties with them. Associated with them were Lieut. James Allen, Rev. W. T. Boutwell, and Dr. Douglass Houghton. Up to that time Cass lake was thought to be the source of the Mississippi. While at Leech lake, the Schoolcraft party learned from the Indians that there was

another lake farther to the west and south, in which the great river had its origin. Securing an Indian named Yellow Head for a guide, the little company made their way over land to this lake, arriving there on the afternoon of July 12. The Indian name of this lake was Omushkos, which is the Chippewa name of the elk. Schoolcraft, desiring to give the lake a more suitable and suggestive name, asked Mr. Boutwell, who was a Latin scholar, to give him a word from that language signifying the true source. Mr. Boutwell gave him two words—*veritas*, truth, and *caput*, head. By taking the last two syllables of the one and adding the first syllable of the other, the word "Itasca" was coined, and this has ever since been the name of the lake. Four years later, Nicollet visited Lake Itasca and made a map of the region, which is still on file in the office of the chief of engineers at Washington.*

In 1834-35 an English geologist, G. W. Featherstonhaugh, was employed by the United States department of topographical engineers to make a geological survey of the Minnesota valley. In company with Prof. W. W. Mather, he ascended Minnesota river and described a number of its tributaries and the quartzite deposits at Redstone. After his return to England he published a book entitled "A canoe voyage up the Minnaysotor," in which some uncomplimentary things were said of America and Americans. In 1835 George Catlin, the celebrated artist, with a single companion and an Indian guide, visited the pipestone quarry. His description of the place, afterward rendered famous by the poet Longfellow, was the first given to the world of this remarkable formation, which, for ages, had been venerated by the North American Indians.

About this time the first act of a tragedy, the denouement of which, twenty years later, did much to precipitate the great Civil war, was performed at Fort Snelling. Doctor Emerson, the surgeon at Fort Snelling, brought with him a negro slave, Dred Scott by name. Major Taliaferro owned a negro girl named Harriet. In 1835 Dr. Emerson bought this girl, and soon afterward these two slaves were married. Three years later the doctor removed to Missouri, taking the couple with him. After his death some years later, Scott and his wife claimed their freedom. The famous extra-judicial decision of Chief Justice Roger B. Taney, on behalf of the majority of the United States supreme court, to

*About 1881 a controversy was started as to who really discovered the source of the river. The subject will be more fully treated in connection with an account of this dispute.

the effect that negroes were not citizens, and that the removal of Scott to a free territory gave him no title to freedom, helped to crystallize the abolition sentiment of the country and seal the doom of slavery. The sale of the girl Harriet is the only case on record of traffic in human beings within the State of Minnesota.

In 1834 Henry H. Sibley, a member of the American Fur Company, settled at Mendota. He built a stone house—the first in the town, if not in the state—and opened the first law office in Minnesota. While living in this house, he was successively a citizen of Michigan, Wisconsin, Iowa, and Minnesota.

The first house at St. Anthony was built in 1837 by Franklin Steele. It stood at the foot of the bluff nearly opposite the upper end of Hennepin island. From this small beginning has grown the city of Minneapolis.

On July 29, 1837, a council, at which the United States obtained a large tract of land in Minnesota and Wisconsin, was held with the Chippewas at St. Peter on the Minnesota river. The boundary of this cession began at the confluence of the Crow Wing and Mississippi rivers; thence due east to the north point of St. Croix lake; thence along the dividing line between the Mississippi and Lake Superior to the source of the Ochasuasepe river; thence down this river to the Chippewa, and down the Chippewa to a point twenty miles below the outlet of Lac De Flambeau; thence east twenty-five miles; thence in a southerly course, parallel with the Wisconsin river, to the dividing line between the Chippewa and Menomonie rivers; thence from Plover portage along the south boundary line of the Chippewa country to the commencement of the boundary line of the Sioux country; thence along the said Sioux boundary to the mouth of the Watab river, and thence up the Mississippi to the place of beginning.

That part of this grant lying within the present limits of Minnesota, embraces the counties of Crow Wing, Mille Lacs, Kana-bee, Benton, Isanti, Chisago, the southern portion of Pine and that part of Morrison lying east of the Mississippi.

On September 29, 1837, a treaty with some of the Sioux chiefs, by which their lands east of the Mississippi were ceded to the United States, was concluded at Washington. The grant obtained by this treaty included the counties of Washington, Ramsey, Anoka, and Sherburne.

The first house in St. Paul, a shanty for the sale of whisky, was built by a Frenchman named Pierre Parrant, in 1838. He is described as an ignorant, repulsive looking fellow, who loved money better than his own soul. With one eye minus and the

other resembling that of a pig, he was generally known as "Pig's Eye." His shanty, which soon became notorious, was designated by the same name. It is related that some one writing from the place dated his letter at "Pig's Eye," that the reply was directed in good faith to "Pig's Eye," and that the letter was delivered by the postal authorities, so well was the place known by that term.

Mention has been made of H. H. Sibley as the first lawyer in Minnesota, though it appears that he did not practice his profession further than sometimes to act as notary. One of these cases occurred in the fall of 1838, in connection with this whisky shop conducted by Parrant. On the twelfth of November Parrant borrowed ninety dollars from one Guillaume Beaumette, giving a note payable May 1, 1839, and secured by a mortgage on his claim. This mortgage, the first ever executed in Minnesota, was as follows:

"November 12, 1838.

"Know all men by these presents, that I, Pierre Parrant, residing near the entry of Saint Peter's River, and in the Wisconsin Territory, do hereby make over, transfer and quit claim to Guillaume Beaumette of said Saint Peter's all my right, title and interest in and to all that tract or portion of land which I, the said Parrant, now reside upon and occupy, at the Cave, so called, about four miles below Fort Snelling, to have and to hold the same to the said Guillaume Beaumette, his heirs and assigns forever.

"Provided always—and it is hereby expressly understood between the parties, that if the said Parrant shall pay or cause to be paid, on or about the first of May next, to the said Beaumette the sum of ninety dollars (\$90), amount of a note payable by me, the said Parrant, to the said Beaumette, then this transfer to be null and of none effect, otherwise to remain in full force and virtue.

HIS

"PIERRE X PARRANT. (L. S.)

MARK.

"Signed, sealed and delivered in the presence of H. H. Sibley and A. M. Anderson."

Parrant failed to liquidate the debt when the note fell due, and without process of law vacated the premises. Before Beaumette could take possession, some one jumped the claim, which finally became the property of Henry M. Rice.

After vacating his first claim, Parrant took another near the

center of the present city of St. Paul. This he soon afterward sold to a man named Gervais and located a third on which is now Jackson street. In 1842 he sold this claim to Louis Roberts and left St. Paul.

The second settler in St. Paul was Michael Phelan, a soldier discharged from Fort Snelling in 1838. At the time of his discharge there was in the fort an old sergeant named Hays, whose term of service was soon to expire. Hays had saved a neat little sum of money, and he entered into an arrangement with Phelan, by which the latter was to take two claims, one for himself and one for Hays, while Hays was to furnish the money to build a house. The plan was carried out, and after Hays received his discharge the two dwelt for some time together. September 27, 1839, the body of Hays was found floating in the Mississippi river near Carver's cave. Tracks were found where a body of some kind had been dragged from the cabin to the river, and Phelan was arrested for the murder of his colleague. An inquest was held before H. H. Sibley, who was a justice of the peace; Phelan was adjudged guilty and committed to jail at Prairie du Chien. After remaining in prison several months, his case was called for trial. No one appeared against him, he was consequently discharged.* In the spring of 1840 he returned to St. Paul to find that during his absence a man named Guerin had taken possession of his claim. He went to law to recover it, but the case was decided against him, and Guerin remained in possession.

Soon after this, Father Galtier visited the settlement for the purpose of establishing a Catholic mission. Guerin and Benjamin Gervais, the man who bought the second claim taken by Parrant, donated the site, and a rude log chapel which Father Galtier named the Mission of St. Paul was erected. The uncouth name of "Pig's Eye" fell into disuse, and the little settlement soon became known far and wide as St. Paul's. In 1846 a post office was established, and in 1847 B. W. Brunson laid out the town site. The first hotel, the St. Paul House, was opened in the fall of this year by J. W. Bass. The population now numbered about fifty souls. A school was deemed necessary, and one was opened with Miss Harriet E. Bishop as teacher. From this humble beginning has grown St. Paul's present magnificent educational system. In the spring of 1848 the first public hall was erected at a cost of three hundred

*There seems to be some question as to the guilt of Phelan. Newsom in his "Pen Pictures," says an Indian named Dowan (the Singer) several years afterward confessed to the killing of Hays. On the other hand J. Fletcher Williams, of the Minnesota Historical society, thinks there is no doubt of Phelan's guilt.

dollars. At the time the territory was organized, the population of the village was a little more than eight hundred.

In the meantime a settlement had been started (1843) at Stillwater on the St. Croix river, one of the first buildings there being a saw mill. A treaty with the Chippewas by which that tribe ceded all the pine lands on the St. Croix and its tributaries, had been made at Fort Snelling in 1837. The founding of Stillwater was the natural outgrowth of the development of the lumber interests.

One of the principal industries throughout the northwest in those early days was the fur trade. Besides H. H. Sibley, who settled at Mendota as an agent of the American Fur Company, others engaged in the interests of the same company were Ramsay Crooks, Norman W. Kittson, H. L. Dousman and the Rolettes, father and son. Joseph Rolette, Sr., was one of the best known fur traders in the northwest. From him the son, Joseph Rolette, Jr., had learned every detail of the business; and, in 1840, at the age of twenty-one, he was in charge of the American Company's post at Pembina.

When Norman W. Kittson went to Pembina and took charge of the post in 1843, young Rolette became his lieutenant. This gave him the opportunity to carry out one of his cherished designs: This was to increase the use of the Red river carts in the transportation of furs and goods between the settlements along the Mississippi and the frontier posts. In 1844 the volume of trade with St. Paul and Mendota carried on by means of these unique conveyances was less than \$1,500. In 1850 this had increased to \$15,000; five years later it had advanced to \$40,000; and in 1863 it had reached the sum of \$250,000. Much of this increase was due to the energy, youthful enthusiasm and hopeful optimism of young "Joe" Rolette.

The Red river cart was a peculiar affair. Constructed without iron at a cost of about fifteen dollars, it was capable of carrying from six to nine hundred pounds, with a single ox as the motive power. A train of carts, sometimes numbering several hundred, would leave Pembina in the spring as soon as the grass was high enough to furnish subsistence for the oxen, usually about the beginning of June. Each ox after the leader was fastened to the rear end of the cart in front of him, and a driver was provided for every four carts. These drivers were of the quarter or half-breeds known as "Bois brules."* Thirty to forty days were

* "Bois brule," in the patois of the *voyageurs*, means "Burnt wood." This name was given to the half-breeds because of their dark complexions.

required to make the journey of nearly four hundred and fifty miles, during which time the cattle lived upon the grass of the prairies, and the drivers upon pemmican. At St. Paul the furs were exchanged for the goods needed at the posts, and by the first of September the carts were back on the river from which they derived their name.

As the march of civilization proceeded westward, the locomotive took the place of the cart; but, for years after the traffic was discontinued, the hollows worn by the wooden wheels could be seen along the old Red river trail.

August 6, 1846, congress passed an act authorizing the people of Wisconsin territory to hold a constitutional convention. In pursuance of this act a convention was held by the people the following April. A second convention met December 15, 1847, and remained in session until February 1, 1848. The work of this convention met a better fate at the hands of the people, and on May 29 Wisconsin was admitted into the Union as a state. In anticipation of such an event, Morgan L. Martin, the delegate to congress from Wisconsin, had introduced a bill to organize the territory of Minnesota, embracing the region between the St. Croix river on the east and the Big Sioux and Red rivers on the west. The bill failed to become a law, and, upon the admission of Wisconsin, Minnesota was left without a government, unless it inherited the old territorial government of Wisconsin.

In July, 1848, a meeting was called at Jackson's store, in St. Paul, to consider the situation. From this beginning grew the Stillwater convention on the twenty-sixth of the next month. Sixty-two delegates, among whom were H. H. Sibley, Franklin Steele, Henry L. Moos, David Lambert, William D. Phillips and Morton S. Wilkinson, were present at that convention. A letter from John Catlin, acting governor of Wisconsin territory just prior to its admission, was read to the convention. He presented the theory that the old territorial organization of Wisconsin was still in force in that part of the territory not included in the state boundary, and advised the election of a delegate to congress to test the proposition. H. H. Sibley was chosen by the convention to visit Washington in the interests of a new territorial organization. Before his departure for the national capital, a plan was evolved to bring before congress the question as to whether the old territorial government still applied to that portion excluded from the state limits. John H. Tweedy, delegate to congress from the territory of Wisconsin, resigned his position, and Acting Gov-

ernor Catlin issued a proclamation calling a special election for October 30, to choose his successor.

At this election Henry H. Sibley was selected. Upon the assembling of congress, he presented his credentials to the house of representatives. The committee to whom the question was referred submitted a majority and a minority report. Considerable discussion ensued and the matter was not fully disposed of until January 15, 1849, when the majority report was concurred in, and Sibley took his seat as delegate from the territory of Wisconsin. By this action congress established the precedent that the division of an organized territory and the admission of part as a state does not annul the territorial government over that portion not included in the state limits.

At the first opportunity after being admitted to his seat, delegate Sibley introduced a bill providing for the organization of the territory of Minnesota. Henry M. Rice and others from the proposed territory were in Washington during the winter, and, so persistently did they second the efforts of Mr. Sibley, that the act establishing the new territory became a law March 3, 1849. The news reached St. Paul by the first steamboat of the season, early in April, and was received with demonstrations of enthusiasm.

That part of the new territory lying west of the Mississippi came into the possession of the United States by the Louisiana Purchase in 1803. It was successively part of the district of Louisiana, 1804; the territory of Louisiana, 1805; Missouri territory, 1821; Michigan territory, 1834; Wisconsin territory, 1836; and Iowa territory, 1838. The portion east of the Mississippi, acquired by the treaty of 1783, was made part of the Northwest territory in 1787; Indian territory in 1800; Illinois in 1809; Michigan in 1834; Wisconsin in 1836, and Minnesota in 1849. As at first established, the western boundary was fixed at the Missouri river and White Earth creek; and the territory extended from the northern boundary of Iowa to the British possessions, and thus included more than half of the present state of North and South Dakota.

The name Minnesota is a compound of two Sioux words, "Minne" and "Sotah". The meaning of the former is well established as the equivalent of the English word "water," but concerning the latter there is some difference of opinion. Some say it means clear; others, turbid. Nicollet found a Sioux expression—Istah-sotah—which was rendered into English as blear-eyed. In that case the literal meaning of Minnesota would be

blear-water. According to the best authorities, the word means neither blue nor white, but a mixture of both—some such appearance as one may see in the summer sky when flecked with fleecy masses of white clouds. From this comparison the name has been defined as meaning “sky-tinted water,” a definition adopted by the State Historical Society, and one which is sufficiently correct and poetic enough to answer all purposes.

CHAPTER II

The Territory

AT THE time the Territory of Minnesota was organized, the number of inhabitants was less than five thousand. The settlement at Stillwater numbered 600; those along the Crow Wing and Long Prairie rivers about the same; St. Croix and Marine showed a population of 200; Little Canada and St. Anthony together, 575; St. Paul, 280; Mendota, 125; Pembina, 640; soldiers, women and children in forts, 355; Wabasha, 100; Snake river, 80. These were the principal centers of population in the new territory.

Aside from the Fort Snelling reservation, all the land west of the Mississippi was in possession of the Indians. By a treaty with the Chippewas of the Mississippi, August 2, 1847, at Fond du Lac of Lake Superior, a cession west of the river was made to the United States. It embraced all that part of the present county of Morrison lying west of the Mississippi, that portion of Todd lying south of the Long Prairie river, and the northeastern part of Stearns county. By a treaty held with the Winnebago chiefs at Washington, in October, 1847, this tract was set apart as a reservation for that tribe. The Winnebagoes, however, repudiated the action of their chiefs, refused the new reserve and continued to live on the Wolf river in Wisconsin. It was again ceded to the United States in 1854.

After the organization of a separate territory, the population rapidly increased. Every steamboat brought its quota, and the roads of the northwest were dotted with prairie schooners, all headed for Minnesota. Among these early arrivals was James M. Goodhue, who had been conducting a paper called the *Herald* at Lancaster, Wis., and who now transferred his outfit to St. Paul.

The first issue of his paper, *The Pioneer*, made its appearance April 28, 1849.

The Pioneer, which was the parent of the *Pioneer-Press* of today, was really the first paper published in Minnesota, though, at the time of the Stillwater convention in August, 1848, Dr. A. Randall foresaw the establishment of a new state, and took steps to start a newspaper. Randall went to Cincinnati, Ohio, where he had printed the first number of a paper called the *Minnesota Register*. He sent it to the new territory for distribution. It bore the date of April 27, one day before that of Goodhue's paper, though it was really printed two weeks before. Among the contributors to this initial number of the *Register* were H. H. Sibley and Henry M. Rice. Soon after its publication Randall sold the outfit to Maj. Nathaniel McLean, who associated with him a man named Owens, and the second number was issued July 14 by the firm of McLean & Owens.

In May, James Hughes issued the first number of a paper called the *Chronicle*, but it was soon discovered that the field was too narrow for three papers, and in August the *Chronicle* was consolidated with the *Register*.

President Taylor appointed Alexander Ramsey of Pennsylvania, the first governor and C. K. Smith, of Ohio, the first territorial secretary. On May 27 Governor Ramsey and his family arrived by steamer at St. Paul. The tide of immigration at that time was so great that every place of public entertainment was crowded, and the governor found it extremely difficult to obtain lodgings for either love or money. In this exigency he became the guest of H. H. Sibley, at Mendota.

Alexander Ramsey, the first territorial and second state governor of Minnesota, was born near Harrisburg, Pa., September 8, 1815. After securing an academic education at La Fayette college, he took a law course at Carlisle and was admitted to the bar in Dauphin county, where for some time he was a clerk in the register's office. From 1840 to 1848 he held various positions, serving two terms in congress. In 1848 he rendered valuable assistance to his party in the election of President Taylor, and his services were rewarded by the appointment as governor as already stated. Upon the expiration of his term as governor he took up his residence in St. Paul, and until his death was actively identified with the affairs of the state. In 1855 he was elected mayor of St. Paul. In the fall of 1859 he was elected governor to succeed General Sibley, was re-elected in 1861, and, before the expiration of his second term, was elected to the United States

senate, where he served twelve years. In 1879 he succeeded George W. McCrary as secretary of war in President Hayes' cabinet. He was appointed a member of the Utah commission by President Arthur in 1882, and for the next four years was chairman of the commission. When the Minnesota Historical society was organized in the fall of 1849, he was elected its first president. His influence can be seen throughout the entire history of his adopted state. His death occurred April 23, 1903.

June 1, 1849, Governor Ramsey issued his first proclamation declaring the territorial government fully established; and on the eleventh his second proclamation divided the territory into three judicial districts and assigned to each district one of the judges appointed by the president. The first district consisted of the county of St. Croix, one of the old Wisconsin counties, comprising virtually all that part of Minnesota east of the Mississippi. To this district was assigned Chief Justice Aaron Goodrich, of Tennessee. The second district, which was presided over by Judge Bradley B. Meeker, of Kentucky, consisted of all that part of the territory north of the Minnesota, and west of the Mississippi. Judge David Cooper, of Pennsylvania, was assigned to the third district, which was all that portion west of the Mississippi and south of the Minnesota. The first courts were held in August. In the first district the court was convened on the thirteenth, with Judge Goodrich presiding and Judge Cooper sitting as associate justice. In the second district the court was held on the twentieth, in the old government mill at Minneapolis, with Judge Meeker on the bench and Franklin Steele as foreman of the grand jury. The first court in the third district, Judge Cooper presiding, met in the old stone warehouse, belonging to the American Fur Company, at Mendota, on the last Monday in August.*

On July 7, the governor issued a third proclamation, dividing the territory into seven districts for legislative purposes, and ordering an election to be held on the first of August for the selection of a delegate to congress and of nine councillors and eighteen representatives to constitute the territorial legislature. Up to this time but little attention had been given to party politics; but as a result of the campaign growing out of the governor's proclamation, the *Pioneer* became the organ of the Democrats and the *Chronicle* and *Register* the organ of the Whigs.

*Another account says that the first court was convened at Minneapolis in July with the full bench in attendance. As there were no cases on the docket, the occasion was turned into a "basket picnic," the sheriff serving the refreshments. No complete records of these early courts have been preserved.

H. H. Sibley was elected delegate to congress without opposition, and on Monday, September 3, the first legislature met at St. Paul. As no capitol building had been provided for the use of the assembly, the two branches met at the Central House, a log hotel kept by a man familiarly known throughout the settlements along the Mississippi, as "Daddy Burton." The house of representatives and the territorial secretary found quarters on the ground floor, while the council and library were installed "up stairs."

David Olmsted was elected president of the council and Joseph R. Brown, secretary. In the organization of the house Joseph W. Furber was chosen speaker, and W. D. Phillips, chief clerk. The nine members of the council in this first legislature were James S. Norris, Samuel Burkled, William H. Forbes, James McC. Boal, David B. Loomis, John Rollins, David Olmsted, William R. Sturges and Martin McLeod.

Those constituting the house of representatives were Joseph W. Furber, speaker, James Wells, Morton S. Wilkinson, Sylvanus Trask, Mahlon Black, Benjamin W. Brunson, Henry Jackson, John J. Dewey, Parsons K. Johnson, Henry F. Setzer, William R. Marshall, William Dugas, Jeremiah Russell, Allen Morrison, Lorenzo A. Babcock, Thomas A. Holmes, Alexis Bailey and Gideon H. Pond.

As soon as the two houses were organized, they assembled in joint session in the dining room of the hotel, to listen to the governor's message. Although Governor Ramsey had been but a few months in the territory, his first message to the legislature showed him to be thoroughly conversant with the resources and needs of the domain over which he had been appointed to preside.

In his message Governor Ramsey dwelt upon the importance of providing for the education of the youth of the territory, and on the last day of the session an act establishing a system of common schools was passed.

The territory was divided into the counties of Washington, Benton, Ramsey, Itasca, Wabasha, Dakota, Wahnakta, Mahkahto, and Pembina. Washington, Benton and Ramsey were organized. Stillwater was made the county seat of Washington and St. Paul of Ramsey. The seat of justice of Benton was to be located "within one quarter of a mile of a point on the east side of the Mississippi river, directly opposite the mouth of Sauk river." The site of the present town of Sauk Rapids was selected, and the town that grew up there is still the seat of Benton county. The three organized counties occupied the region between the

Mississippi and St. Croix rivers, embracing the Indian cession of 1837. North of them lay the county of Itasca, including all east of the Mississippi and of a line drawn from its source to the Lake of the Woods. The southern boundary was a line drawn due east from the Mississippi at the mouth of Muddy creek, to a point on the eastern boundary of the territory at 46 degrees and 30 minutes north latitude. This point was a little north of the northeast corner of Pine county. Wabasha county was all that part of the territory lying south of a line drawn due west from the mouth of the St. Croix and extending to the Missouri river. Dakota county lay directly north of Wabasha, extending from the Mississippi to the Missouri, the northern boundary being formed by a line drawn due west from the mouth of the Clearwater river. North of Dakota was the county of Wahnahta. This county also extended from the Mississippi to the Missouri, the northern boundary being formed by a line drawn due west from the mouth of the Crow Wing river. Between the line thus forming the northern boundary of Wahnahta county and the forty-seventh parallel lay the county of Mahkahto, while all north of Mahkahto county and west of Itasca was erected unto the county of Pembina.

An appropriation of twenty thousand dollars for the erection of public buildings at the capital was made by the organic act. Early in the session a bill to make St. Paul the permanent seat of government, and to use the appropriation above mentioned for the erection of suitable buildings for territorial offices, was introduced. But the bill was defeated through the influence of the members who favored St. Anthony; and the governor was authorized to rent buildings in St. Paul, which was made the temporary capital by the organic act, until the question of a permanent capital location should be decided.

Among the acts passed were those providing for general elections on the first Monday in September; for annual sessions of the legislature to begin on the first Wednesday in January, and for a court to be held in Wabasha county upon proclamation of the governor. There was also adopted a memorial praying for military roads from Fort Snelling to the mouth of the Sioux river, from Point Douglass to the St. Louis river, and from Iowa to Mendota. Mail routes from St. Paul to Point Douglass and from the falls of the St. Croix to Fond du Lac were petitioned for.

On the twentieth of October there was passed an act authorizing the formation of a state historical society, and naming C. K. Smith, David Olmsted, H. H. Sibley, H. M. Rice, Aaron Good-

rich, David Cooper, Bradley B. Meeker, A. H. Mitchell, J. C. Ramsey, T. R. Potts, Franklin Steele, Charles W. Borup, D. B. Loomis, M. S. Wilkinson, L. A. Babcock, Henry Jackson, W. D. Phillips, W. H. Ferris, Martin McLeod, and their associates as incorporators. On November 1 the session adjourned.

The first regular election of a delegate to congress occurred in September, 1850. The candidates were H. H. Sibley, who had been elected at the special election of 1849, and A. M. Mitchell, the United States marshal. David Olmsted, a fur trader, was nominated, but withdrew before the election. An active campaign, more on local issues than on party lines, was waged by the friends of the two candidates. At the election Sibley received 649 votes and Mitchell 559.

In June, 1850, a council with the Sioux and Chippewas was held at Fort Snelling. Another attempt to make peace between these hereditary enemies was to be made by the white people. A long line of troops was drawn up between the tents of the Chippewas and the warlike Sioux; while Governor Ramsey, the other representative of the government and the chiefs of the two tribes, met in a great council tent that had been provided by the commander of the fort. On behalf of the "Great Father," Governor Ramsey addressed the assembled warriors, and at the conclusion of his speech Hole-in-the-day replied for the Chippewas and Bad Hail for the Sioux. Each tribe then selected certain white men to represent them in the adjustment of claims, and all promised to keep the peace. This council accomplished nothing more than the establishment of good feeling between the Indians and settlers, but it paved the way for the great council at Traverse de Sioux the succeeding summer.

On New Year's day, 1851, the second session of the legislature assembled in a brick building on Third street between Franklin and Washington streets. D. B. Loomis was elected president of the council, and M. E. Ames, speaker of the house. A petition, signed by W. H. Folsom and fifty-one others and asking for the creation of a new county along the eastern boundary, was presented. In response to the wishes of the petitioners, Chisago county was established on the thirteenth of February.

The question of locating a permanent capital came up again at this session. It is related that, at the Stillwater convention in August, 1848, a private understanding to the effect that St. Paul was to have the capitol, Stillwater the penitentiary, and St. Anthony the university, was reached by the delegates from the three towns. At the second session part of this "tripartite agree-

ment," as it was called, was carried out without serious difficulty. The permanent seat of government was fixed at St. Paul, and D. F. Brawley, Jonathan McKusick, Louis Robert and E. A. C. Hatch were named as capital building commissioners. At the same time the territorial prison was located at Stillwater; but no mention was made of establishing a university at St. Anthony, until J. W. North took up the cause, and on February 25, the act incorporating the university of Minnesota was approved by the governor.

By the provisions of this act the university was divided into five departments; first, the department of science, literature, and the arts; second, law; third, medicine; fourth, theory and practice of elementary instruction; fifth, agriculture. Only the first and fifth of these department were actually in existence prior to 1889. February 19, congress, in response to a memorial, granted two townships of land (forty-six thousand and eighty acres) for the endowment of a university. With this grant as their whole resources, a board of twelve regents, appointed by the legislature, went to work to build up the institution. Franklin Steele, who was elected president of the board of regents, gave a site, upon which a building, thirty by fifty feet, two stories high, was erected, and in November Rev. E. W. Merrill with three assistants, opened the "University School" with forty students in attendance.

The year 1851 is memorable in the annals of Minnesota for the great treaty of Traverse de Sioux. Governor Ramsey and Luke Lea, commissioner of Indian affairs, represented the United States government, and reached the place designated for the council on the last day of June. Owing to heavy rains and swollen streams, the Indians, the Sisseton and Wahpeton bands of Sioux, did not arrive until July 18. The council lasted till the twenty-third, when the chiefs of both bands signed a treaty ceding to the United States all their lands in Minnesota west and south of a line beginning at the confluence of the Buffalo and Red rivers; thence up the Buffalo river to a certain point, thence in a southeasterly direction to Otter Tail lake; thence to the head of Long Prairie river; thence in a direct line to the source of the Watab river; thence down the Watab river to its junction with the Mississippi; thence down the Mississippi to the southern boundary of the state; thence along said southern boundary of the state to the Big Sioux river; thence up the same to the most eastern point of Lake Ham-peska; thence in a direct line to the foot of Big Stone lake; thence down Lake Traverse and the Red river to the place of beginning.

A reservation twenty miles wide—ten miles on either side of the Minnesota river—extending from Lake Traverse to the mouth of the Yellow Medicine river was established. The sum paid by the United States was one million six hundred sixty-five thousand dollars. Of this two hundred seventy-five thousand dollars was to be paid when the Indian removed to their reservation, and the interest on the remainder was to be paid to them as an annuity for fifty years, in clothing, rations, and the maintenance of schools.

At Mendota, August 5, the same commissioners met the Medewakanton and Wapekuta bands, and secured the relinquishment of their interest in the same tract. Two agencies, the upper about three miles from the mouth of the Yellow Medicine, and the lower about five miles below the mouth of the Redwood, were established on the reservation.

George E. Nettleton and J. B. Culver established a trading post at Fond du Lac in the summer of 1851, and, in the autumn, Nettleton built the first house in Duluth. About the same time Thomas A. Holmes settled at Shakopee, being the first white settler in the place.

In July the capitol was begun, the site being donated by Charles Bazille, a large property owner. Plans for a building to cost thirty-three thousand dollars were adopted by the commission; the congressional appropriation of twenty thousand dollars was to be applied, leaving thirteen thousand dollars for the territory to pay. The building cost nearly forty thousand dollars, however, by the time it was finished, which was not until the late summer of 1853.

On the fourteenth of October an election for members of the legislature and for county officers was held in the organized counties. For the first time in the history of Minnesota, a regular party ticket was placed in the field. Candidates for all the offices were nominated by the Democratic party, the opposition being known as the Anti-organization, or Coalition. In November Jerome Fuller succeeded Aaron Goodrich as chief justice, and Alexander Wilkin was appointed secretary in the place of C. K. Smith.

The third legislature was convened January 7, 1852. William H. Forbes, of St. Paul, was elected to preside over the deliberations of the council, and John G. Ludden, of Marine, was chosen speaker of the house. Very little important legislation was enacted at this session, the public interest being centered in the ratification of the treaties.

An act providing for the appointment of three commissioners to meet at Norman W. Kittson's house on the second Monday in

April and to complete the organization of Pembina county, was approved by the governor on the fourth of March.

On March 6, Hennepin county was created. The county was not to be organized until after the ratification of the treaties of Mendota and Traverse de Sioux. After the ratification of the treaties, an election of commissioners was held October 10, at the house of John H. Stevens. Seventy-three votes were polled, Alexander Moore, John Jackins and Joseph Dean being elected. On the twenty-first these commissioners met and completed the county organization.

The construction of a territorial road from Reed's landing on Lake Pepin to some point on the Minnesota river, was authorized by the legislature, and Charles R. Reed, of Reed's Landing, Louis Rock, of Wabasha, and James Wells, of Wells' Landing were appointed commissioners to locate the route.

The legislature passed memorials to congress praying for an early ratification of the treaties; the location of the boundary between the United States and British America; the establishment of a mail route from St. Paul to Lansing, Ia., and the alteration of the name of St. Pierre, or St. Peter, river to that of Minnesota. As a result of this memorial the name of the river was changed.

In anticipation of the confirmation of the treaties, a few hardy spirits adventured into the new cession and founded settlements. A little company of Canadians and Germans settled at Henderson, in what is now Sibley county. P. K. Johnson and Henry Jackson laid the foundation of Le Sueur, while George W. Thompson ascended the Minnesota still further and settled at Mankato.

January 5, 1853, the fourth territorial legislature assembled, and remained in session till the fifth of March. Martin McLeod, of Lac qui Parle, was chosen president of the council, and Dr. David Day, of Long Prairie, speaker of the house. The rush of immigration to the newly opened lands west of the Mississippi made the organization of several new counties expedient. Accordingly, an act creating the counties of Goodhue, Fillmore, Scott, Le Sueur, Rice, Blue Earth, Sibley, Nicolett and Pierce was passed and was approved on the last day of the session. By the same act the counties of Dakota, Wabasha, Scott, Le Sueur, Fillmore, Blue Earth and Nicollet were declared to be organized counties, and the governor was authorized to appoint officers to serve until the next general election.

March 2, the St. Paul and St. Anthony railroad was incorporated. The next day the Minnesota Western railroad was

incorporated, and on the fifth a charter was granted to the Louisiana and Minnesota railroad. Among the stockholders of the last named were Gov. Alexander Ramsey, J. C. Ramsey, H. H. Sibley, H. M. Rice, W. R. Marshall and Franklin Steele.

Not long after the inauguration of President Pierce, a complete change was made in the territorial officers. Willis A. Gorman, of Indiana, was appointed governor; J. T. Rosser, of Virginia, secretary; and William H. Welch, a resident of Red Wing, succeeded Henry Z. Hayner as chief justice.* At the same time Moses Sherburne, of Maine, and A. G. Chatfield, of Wisconsin, were appointed associate justices.

Willis Arnold Gorman, the second governor of the territory of Minnesota, was born in Fleming county, Ky., January 12, 1841. After the ordinary collegiate training he graduated from the law department of the Indiana university, and began the practice of his profession at Bloomington, Ind., the seat of the university, in 1835. At the sessions of the Indiana legislature in 1837 and 1838, he was chief clerk of the senate. Upon the breaking out of the Mexican war, he enlisted in Lane's regiment of Indiana volunteers and was wounded at Buena Vista while leading a charge. In 1847 he was promoted to the colonelcy of the Fourth Indiana, and at the close of the war was appointed civil and military governor of Pueblo. From 1849 to 1853 he served in congress from Indiana, and upon the election of President Pierce was appointed governor of Minnesota, as stated. When he retired from the governorship, in 1857, he opened a law office in St Paul. He was a delegate from Ramsey county to the constitutional convention; and in 1860 was one of the electors on the Douglas ticket. When President Lincoln issued his call for troops in April, 1861, Governor Gorman was one of the first to respond, being made colonel of the First Minnesota volunteers. September 17, 1861, he was raised to the rank of brigadier general, and was mustered out in 1864, owing to his failing health. He died at St. Paul, May 20, 1876.

In the campaign of 1853 the opposing candidates for election as delegate to congress were Henry M. Rice, and Alexander Wilkin, the former territorial secretary. Rice was elected by a substantial majority. January 4, 1854, witnessed the assembling of the fifth territorial legislature in the new capitol building. Governor Gorman had taken possession of the rooms set apart for the governor's offices the preceding July. S. B. Olmsted, of Belle

*The United States senate failed to confirm the appointment of Jerome Fuller for a second term, and Hayner was appointed in December, 1852.

Prairie, was elected president of the council, and N. C. D. Taylor, of Taylor's Falls, speaker of the house. On the 10th Governor Gorman read his first annual message to a joint session of the two bodies. In it he recommended legislation to advance the interests of common schools, to foster the lumber industry of the state, and to encourage the construction of railroads.

An act creating the county of Houston, in the southeast corner of the territory, and naming Brownsville as the county seat, was passed and became a law on the twenty-third of February. Immediately north of Houston, Winona county was established by the same act, and the town of Winona was designated the county seat. Provisions that elections should be held in these two counties, on the first Tuesday in April, for the completion of their organization were also made. At the same time the county seats of Goodhue and Dakota counties were declared to be Red Wing and Mendota respectively.

Joseph R. Brown introduced a bill incorporating the Minnesota and Northwestern railroad, giving the company powers of an unusual nature, and granting to it all the lands that congress had given to Minnesota to aid in the building of railroads, as well as any lands that might thereafter be given for the same purpose. The session drew to a close, and it was past the hour of midnight, on the last day of the session, before a majority could be found to vote for the passage of a measure of such a character. Kirk says: "It proved to be in more senses than one a deed of night, whose baneful influence for years brooded like a nightmare over the seat of government, and on more than one occasion aroused political passion to an intense fever heat." It was a matter of some surprise that Governor Gorman should give the bill his official endorsement, but he signed it, contrary to the wishes and advice of some of his friends.

Late in September a council with the Chippewas of Lake Superior was held at La Pointe, Wis. On the last day of the month a treaty was signed, by which a large tract of land in the northeastern part of Minnesota was ceded to the United States. This cession was bounded as follows: Beginning at the intersection of the Wisconsin state line and the northern boundary of the cession of July 29, 1837; thence due north to the St. Louis river; thence down the St. Louis river to its mouth; thence along the north shore of Lake Superior to the British possessions; thence west along the international boundary to the mouth of the Vermillion river; thence up the Vermillion river to its most westerly bend, thence from this bend in a direct line to the source of East

Swan river; thence down said river to the mouth of the East Savannah river; thence in a direct line to the intersection of the east fork of Snake river with the northern boundary line of the cession of 1837, and thence east on said boundary to the place of beginning.

The Fond du Lac band was given a reservation on the south bank of the St. Louis river. The greater portion of this reservation is in the present county of Carlton. At Grand Portage, in the extreme eastern point of the state, a reservation was established for the Grand Portage band. This has since become known as the Pigeon river reserve.

January 2, 1855, the sixth legislature met at the capital. William P. Murray, of St. Paul, was elected president of the council, and James S. Norris, of Cottage Grove, speaker of the house. Since the adjournment of the preceding legislature, some complications had grown out of the incorporation of the Minnesota and Northwestern railroad company. To quote Kirk again: "A bill had been wisely framed in the United States House of Representatives to prevent such a monopoly, but, either through fraud or carelessness in engrossing, the alteration of certain words destroyed its whole tenor. The suspicions of congress were aroused, and in consequence the bill was repealed. The company denied the right of congress to repeal the act after compliance with its provisions had been carried into effect; and shortly afterward, when the United States authorities entered into litigation with the company for alleged trespass on that part of the national domain lying within Goodhue county, Chief Justice Welch, of Minnesota, decided in favor of the defendants."

The question was then taken to the supreme court of the United States, but was afterward withdrawn by the attorney-general, leaving the company, for the time being, master of the situation.

This was the condition of affairs when the sixth assembly was convened. The events of the year had been sufficient to change Governor Gorman's views on the subject, and he promptly vetoed a bill granting new concessions to the company by amending its charter, but the requisite two-thirds vote was obtained and the bill passed over his veto. Again the question came up in congress. A resolution, declaring the charter of the company forfeited, passed the house, but the senate failed to concur.

February 20, an act creating the counties of Olmsted, Dodge, Mower, Freeborn, Fairbault, Steele, Carver, Renville, Davis, Wright, Stearns, Brown, Doty, Superior and Todd was approved.

Later, during the session, the name of Doty was changed to that of Newton, and that of Superior to that of St. Louis. Wright, Stearns, and Carver were declared to be organized counties, and the governor was authorized to appoint officers to serve until their successors could be elected.

An important treaty with the Chippewa chiefs belonging to the Mississippi river bands, was concluded, at Washington, February 22. By this treaty the Chippewas relinquished all their rights to a tract of land bounded on the east by the cession of September 30, 1854, and extending as far north as the Vermillion river. From the most westerly bend of the Vermillion, the boundaries were located as follows: In a direct line due west to the nearest point on the Big Fork; down the Big Fork to where it empties into the Rainy river; down the Rainy river to the mouth of Black river; up the Black river to a point agreed upon; in a direct line to the north point of Turtle lake; from Turtle lake in a direct line to the mouth of Wild Rice river; up the Red river to the mouth of the Buffalo; up the Buffalo to the bend nearest Otter Tail lake; in a direct line to the southwestern extremity of said lake; down the Leaf and Crow Wing rivers to the Mississippi, and from there along the northern boundary of the cession of July 29, 1837, to the place of beginning.

Reserves were established as follows: Along the south shore of Mille Lacs; at Rabbit lake, in Cass county; north of the Crow Wing river, extending from the Mississippi to Gull lake; south of the Mississippi at Lake Pokegama; and at Sandy lake in what is now Aitkin county.* A reservation somewhat larger than any of the above named was set apart at Leech lake for the Pillager and Winnebigoshish bands. Small tracts along the north shore of Lake Winnebigoshish, and at Cass lake around the mouth of the Turtle river,** were also given to these bands.

On the twenty-seventh of the same month, the tract bounded by the Mississippi, Crow Wing, Long Prairie and Watab rivers, and a line drawn from the source of the Long Prairie to the source of the Watab, was ceded by the Winnebagoes, and they were given a reservation eighteen miles square on the Blue Earth river nearly opposite the mouth of the Cottonwood. Half of this reservation was ceded to the United States in April, 1859, and

* These reservations were all ceded to the United States by the treaty of May 7, 1864.

** Small additions were made to the Leech Lake reservation in October, 1873, and March, 1874, by order of President Grant.

the other half was sold for the benefit of the tribe in February, 1863.

A convention at St. Anthony, March 29, 1855, marks the birth of the Republican party in Minnesota. A call for another to meet at St. Paul, on the twenty-fifth of July, to nominate a candidate for delegate to congress, was issued by this convention. At the St. Paul convention William R. Marshall, afterward governor of the state, was nominated the first congressional candidate of the new party. The Democrats nominated David Olmsted; and Henry M. Rice, who was at that time the delegate, stood for re-election. Rice was successful over both his opponents.

About the last of July A. B. Cornell, W. F. Pettit, and others from the county of Steele, which had been created by the legislature in February, called on Governor Gorman, presented a list of names for county officers and requested their appointment that the county might be organized. The governor, thinking they voiced the wishes of the people, complied with their request, and on the 1st of August the county organization was perfected. Governor Gorman afterward met some of the citizens of Steele county at Faribault, who criticised him for acting prematurely, and the governor learned that the organization had been prompted by selfish motives. He was indignant at the trick that had been played, but the steps could not be retraced. The early records of Steele county have been lost, but it is known that the first commissioners were S. B. Smith, F. Ingram and T. W. Fisk. In the fall of 1855 W. F. Pettit was elected sheriff.

Capt. J. H. Simpson, under date of September 20, reported the following territorial roads as under construction or complete: From Point Douglass to the mouth of the St. Louis river; from the mouth of Swan river to Long Prairie; from Fort Ripley to Pembina, and from the Falls of St. Anthony to Fort Ridgley. In connection with the building of these roads, it is worthy of note that the first bridge ever projected across the Mississippi was at St. Anthony's falls. It was constructed of wire, and was opened to traffic in the early part of 1855. At that time the land at the western terminus of this bridge was still part of the public domain. Several tracts had been pre-empted and houses built, but the patents had not yet been issued from the land office.

The seventh legislature assembled on the second of January, 1856. John B. Brisbin, of St. Paul, was elected president of the council, while the choice for speaker of the house fell upon Charles Gardner, of Westervelt (now Frontenac).

In his message, Governor Gorman referred to the complica-

tions that had grown out of the Minnesota and Northwestern railroad matter. With the assistance of certain public spirited citizens, he had secured from the company an agreement to pay two per cent of the gross receipts into the public treasury, and he now asked that an act legalizing such an arrangement should be passed. Accordingly, on the first of March, after a protracted discussion, an act providing for the payment of two per cent of the gross receipts of the state and extending the time for the completion of the road, was presented to him for approval. But the end was not yet. In some form or another this perplexing question came before different legislative assemblies till 1883, when by special act it was set at rest.

Brown county was organized on the eleventh of February. On the twenty-third, Meeker county was created and organized. Faribault was organized at the same time. Two days later the counties of Sherburne and Morrison were created from part of Benton and declared to be organized counties. March 1, the counties of McLeod, Pine and Lake were organized, the county seat of the last named being located at the Winnebago agency at Long Prairie.

A large number of territorial roads were authorized at this session, and commissioners were appointed to locate the same. The establishment of new roads and the formation of new counties were made necessary by the rapid growth of population. Nearly 50,000 had been added since the census of 1850. For the same reason the representation in both branches of the legislature was increased to the limit authorized by the organic law—fifteen members in the council, and thirty-eight in the house.

Although the beginning of the university had not been a pretentious one, the board of regents found the question of finances a troublesome one. The present site was selected in 1854, but no funds for the erection of buildings were available. In this strait the legislature was appealed to for relief. An act authorizing the board to borrow fifteen thousand dollars at twelve per cent by mortgaging the grant of university lands, was passed on February 28, 1856. A loan was soon made, and, in the summer of 1856, the first of the university buildings was erected. Then came the panic of 1857, and, before the return of good times, the great Civil war burst upon the country. Because of these strenuous events, little was done toward the further upbuilding of the institution until the restoration of peace.

The session adjourned on the first of March, and from that time until the assembling of the next legislature little history was

made. From all parts of the country immigrants came and took homesteads upon the lands acquired from the Indians. It has been estimated that the population of the territory was more than doubled in the year 1856. This condition of affairs inaugurated an era of speculation that in the end proved disastrous. People became land mad. Towns having no existence except on paper sprang up on every side, and men grew rich in a few weeks, sometimes in a few days. Legitimate business was neglected, and nearly everybody was caught in the maelstrom of speculation.

So rapidly had the population increased, that the question of admission into the Union as a state became the all absorbing topic. Delegate Henry M. Rice introduced a bill, December 24, 1856, to enable Minnesota to make a constitution and join the family of American states. Just then the Kansas-Nebraska bill engrossed the attention of congress. The representatives from the slave-holding states had for years opposed the admission of free states without corresponding concessions to their section, and they now adhered to their established policy. Nevertheless the bill passed the house and was sent to the senate, where the debate was so long continued that it looked as if an effort was being made to talk it to death. After several amendments were adopted, it was passed and again came up for a reconsideration. But the friends of the measure were on the alert. On February 26, the bill finally passed the senate and on March 3 received the president's signature.

The eighth legislature was in session from January 7 to March 7, 1857. John B. Brisbin was again elected president of the council and Joseph Furber was made speaker of the house. It is a curious coincidence that he occupied this position in both the first and the last of the territorial legislatures.

Two new counties were created by this assembly: Isanti, from part of Ramsey, and Waseca, from part of Steele. Acts declaring Freeborn, Isanti, Itasca and Pine to be organized counties were passed.

Perhaps the greatest excitement during the session grew out of the bill to remove the territorial capital from St. Paul to St. Peter. The mere introduction of the bill was sufficient to arouse both the fear and the indignation of the friends of St. Paul; but, when the bill passed the house, their consternation can be better imagined than described. Only a few days of the session remained, and the friends of the bill decided to rush it through the council. But, when called for in that body, it

was learned that Joseph Rolette of Pembina, chairman of the committee in charge of the bill, had disappeared, and that the only correctly engrossed and properly enrolled form of the bill was missing. This discovery was made on Saturday, February 28, and from that time until the following Thursday evening the members did not leave the council chamber, although no business was transacted: Searchers were sent out for Rolette, but he could not be found. On Thursday evening an adjournment was ordered until Saturday, which was the last day of the session. When the council met that morning, Rolette was still absent. Some routine business was disposed of, and the last regular session of the territorial legislature adjourned sine die. The capital removal bill was lost.

Where all this time was Rolette? Snugly ensconced in a comfortable room right in the town of St. Paul, with the coveted bill safely stowed away in his pocket. Those having material interests in keeping the capital at St. Paul supplied him, so it is said, with all the delicacies of the season until after the adjournment, when he emerged from his hiding place and treated his "veto" as a joke. After a lapse of almost half a century, others can look upon it in the same light, but at that time it was no laughing matter.

Only four days of the regular legislative session were left, when the enabling act received the approval of President Buchanan. At the same time he approved another act granting alternate sections of land, in certain parts of the Territory, for the construction of railroads. To apportion these lands, and to provide for a constitutional convention, Governor Gorman called an extra session of the assembly to meet on April 27.

Upon his accession to the presidency, Buchanan appointed Samuel Medary governor, Charles L. Chase secretary, R. R. Nelson and Charles E. Flandrau associate justices. The new governor arrived at St. Paul about a week before the special session was convened, and on the twenty-third of April relieved Governor Gorman.

Samuel Medary, the third and last territorial governor of Minnesota, was born in Montgomery county, Pa., February 25, 1801. While still in his youth, he learned the printer's trade, and from that passed to the editorial chair, being for a long time the editor of the *Ohio Statesman*, published at Columbus. In 1857 he was appointed governor of Minnesota territory, and served until the admission of the state in 1858. President Buchanan then appointed him postmaster at Columbus, where

he continued until November 19 of the same year, when he was made governor of Kansas territory. This position he resigned on the twentieth of December, 1860, returned to Columbus, O., and began editing a publication called *The Crisis*. During the Civil war he was a peace Democrat, and has often been called the "Old Wheel Horse of Democracy." After his death, which occurred at Columbus, O., November 7, 1864, his party erected a monument there to commemorate his political services.

The special session met on the twenty-seventh of April, with the same officers in both house and council that had served through the regular session. By the act of March 5, congress had granted four and a half million acres of land to aid in the construction of railroads. Smooth-spoken lobbyists thronged the legislative halls at the extra session, asking for the incorporation of this or that railroad company, in order to share in the rich spoils promised by this grant. Notwithstanding the muddle that had grown out of the legislation favoring the Minnesota and Northwestern, acts incorporating four new companies were passed. First: The Minnesota and Pacific, that promised to build a railroad from Stillwater, via St. Paul, St. Anthony and Minneapolis, to Breckenridge on the Sioux Wood river, with branches to Anoka, Crow Wing and St. Vincent, near the mouth of the Pembina river. Second: The Transit railroad company, which was authorized to build a road from Winona, via St. Peter, to some point on the Big Sioux river south of the forty-fifth parallel. Third: The Root River Valley and Southern Minnesota was given the privilege of constructing a road from La Crescent up the valley of Root river, via Target lake, to intersect the Transit company's line at Rochester. Fourth: The Minnesota Central, from Red Wing, in Goodhue county, to some indefinite western terminus in the vicinity of the Great Bend of the Mississippi river. The entire land grant was parceled out to these corporations, in the hope that railroad communication—the great need of the hour—would be speedily established.

By this time the population of the territory was estimated at one hundred fifty thousand, which fact made the establishment of several new counties advisable. After the railroad companies were disposed of, this matter was taken up, and, on May 23d, the last day of the session, the counties of Buchanan, Mille Lacs, Carlton, Crow Wing, Aiken, Nobles, Pipestone, Big Sioux, Cottonwood, Murray, Rock, Medway, Anoka, Martin, and Jackson were created, and the last three were fully organized.

The act providing for the constitutional convention, which

measure was the principal reason for calling the extra session, was not passed until the last day. By the provisions of the act, an election at which the people were to choose two delegates from each representative district, was ordered on the first Monday in June. These delegates were to meet on the second Monday in July and carry out the conditions imposed by the congressional enabling act. First, the delegates were to take a vote as to whether statehood was desirable. If this question were decided in the affirmative, they should then proceed to make a constitution. An appropriation of thirty thousand dollars to defray the expenses was made by the legislature. To pay the cost of the special session an issue of eight thousand dollars' worth of bonds, bearing twenty per cent interest, was ordered.

The election of delegates was made a matter of partisan politics. Although short, the campaign was spirited and at times acrimonious. Of the one hundred twelve delegates, the Republicans elected fifty-nine and the Democrats fifty-three*.

No hour for the assembling of the delegates was fixed by the act of the legislature, it being merely stated that they should meet on the second Monday in July. Fearing that the Democrats would secure some decided advantage in the election of officers and in the organization of the convention, the Republican delegates repaired to the hall of the house of representatives, in the capitol, at midnight before the day fixed for the meeting. The Democrats, hearing of this proceeding, called a caucus to decide upon a policy. At this caucus, after authorities had been consulted, it was decided that the territorial secretary was the proper person to call the convention to order, and that, in the absence of a specified hour of meeting, precedents sanctioned twelve o'clock, noon, as the proper time.

Promptly at noon, therefore, on Monday, July 13, the Democratic delegates were in their seats. Charles L. Chase, the secretary of the territory, took the speaker's chair, and, just as the clock finished striking the hour, attempted to call the convention to order. At the same time John W. North, who had been selected for the purpose by the Republican delegates, also endeavored to call the meeting to order. In accordance with the tactics previously agreed upon in the Democratic caucus, ex-Governor Gorman moved an adjournment until noon on the following day. Secretary Chase put the question promptly, the

*This is the number of delegates in attendance at the two conventions after division. The correctness of the figures has been questioned. Both parties claimed a majority and several contests were never settled owing to the division.

Democrats all voted for the adjournment, and all immediately filed out of the hall, leaving the Republicans in possession.

Tuesday at noon they again presented themselves at the door of the house, where they were met by Secretary Chase, who said: "Gentlemen: The hall to which the delegates adjourned yesterday is now occupied by a meeting of the citizens of the territory, who refuse to give possession to the constitutional convention."

This was not unexpected, for it was well known that the Republican delegates were in possession of the hall. Again a motion was made by Mr. Gorman, this time to adjourn to the council chamber in the west wing of the capitol. The motion was carried and the Democrats assembled in the council chamber, where they were called to order by Secretary Chase. A temporary organization was effected by the election of Henry H. Sibley as chairman, R. F. Houseworth, secretary, F. Orthwein, sergeant-at-arms, and Hugh Garroty, messenger. The enabling act of congress was read, a committee on credentials appointed and the convention adjourned until noon the next day.

Meantime the Republican delegates were not idle. A permanent organization was reached by the election of A. D. Balcombe, president, and L. A. Babcock, secretary. The Republican delegates—besides the officers named—were: P. A. Cedarstan, W. H. C. Folsom, L. K. Stannard, Charles F. Lowe, S. W. Putnam, D. M. Hall, D. A. Secombe, P. Winell, L. C. Walker, J. H. Murphy, Charles McClure, Aaron C. Hudson, George Watson, Frank Mantor, Joseph Peckham, Fred Ayer, John W. North, Thomas Bolles, Oscar F. Perkins, Thomas Foster, T. J. Galbraith, A. B. Vaughn, C. W. Thompson, John A. Anderson, Charles A. Coe, N. P. Colburn, James A. McCann, H. A. Billings, Charles Hanson, H. W. Holley, John Cleghorn, A. H. Butler, Robert Lyle, Boyd Phelps, William H. Mills, Charles H. Garrish, Simlow Harding, Nathan B. Robbins, W. J. Duly, Samuel A. Kemp, Thomas Wilson, D. L. King, Benjamin C. Baldwin, Amos Coggsell, Lewis McCune, Edwin P. Davis, Cyrus Aldrich, Wentworth Hayden, R. L. Bartholomew, W. F. Russell, Henry Eschlie, Charles B. Sheldon, David Morgan, E. N. Bates, Albert W. Combs, T. D. Smith and B. E. Messer.

The Democratic convention was not permanently organized until July 27, the intervening time being consumed in deciding who were entitled to sit as delegates in certain contested cases, and in discussing the situation. On the 27th, Henry H. Sibley was elected permanent president, and J. J. Noah, secretary. The

delegates were: William Holcombe, James S. Norris, Henry N. Setzer, Gould T. Curtis, Charles G. Leonard, Newington Gilbert, Charles E. Butler, R. H. Sanderson, George L. Becker, Moses Sherburne, D. A. J. Baker, Lafayette Emmett, William P. Murray, W. A. Gorman, William H. Taylor, John S. Prince, Patrick Nash, William B. McGrorty, Paul Faber, M. E. Ames, B. B. Meeker, William M. Lashelles, C. A. Tuttle, Charles L. Chase, Edwin C. Stacey, Daniel Gilman, H. C. Wait, J. C. Shepley, William Sturgis, J. W. Ten Voorde, W. W. Kingsbury, R. H. Barrett, Robert Kennedy, Daniel J. Burns, Frank Warner, William A. Davis, Joseph Burwell, H. G. Bailey, Andrew Keegan, James McFetridge, J. P. Wilson, J. Jerome, Xavier Cantell, Joseph Rolette, Louis Vasseur, James C. Day, Joseph R. Brown, Charles E. Flandrau, Francis Baasen, William B. McMahon, J. H. Swan, E. A. Ames and H. H. Sibley.

Both conventions continued in session until August 29, and the members of both bodies conducted themselves with dignity and decorum. Each body labored diligently to frame an organic law suited to the needs of the state. The result was two constitutions, very similar in all their essential details. After the first excitement of the strife was over, a better feeling prevailed. On one thing all were agreed. All desired the admission of Minnesota as a state. Some of the more thoughtful and conservative of the delegates in both conventions realized that, if two constitutions were submitted to congress, both would in all probability be rejected.

With a view to restoring harmony, Moses Sherburne, of the Democratic convention, introduced a resolution, on August 8, calling for a conference committee of five from each convention to agree upon a constitution. The resolution failed to pass at that time, action being indefinitely postponed. Two days later a similar resolution was adopted by the Republicans, and the other convention notified. On the eighteenth the resolution was again passed by the Republicans, and president Balcombe appointed T. J. Galbraith, Charles McClure, L. K. Stannard, Cyrus Aldrich and Thomas Wilson to serve on the conference committee. Previous to this time the sentiment of the Democratic convention had been opposed to any coalition whatever with the Republicans. Wiser counsel now prevailed, and ex-Governor Gorman, William Holcombe, Joseph R. Brown, Moses Sherburne and W. W. Kingsbury were appointed to co-operate with the Republicans.

August 27, the conference committee finished its labors and the result was submitted to the two assemblages for ratification.

It was debated until the next day, when it was adopted, and on the twenty-ninth both conventions adjourned.

Under the act of congress authorizing the holding of a constitutional convention in Minnesota, the convention was required to accept or reject the following propositions: First, the donation of sections sixteen and thirty-six in each township for the benefit of a permanent fund to maintain public schools; second, a grant of seventy-two sections of land to found and support a state university; third, a grant of ten sections of land to provide for public buildings; fourth, all the salt springs in the state; fifth, the donation of five per cent of the proceeds arising from the sale of public lands within the state for the building of roads and making internal improvements. All these conditions were accepted by the convention and duly incorporated in section 3 article II of the constitution.

At the election, on the thirteenth of October, the constitution was ratified by a vote of 30,055 to 571.* In the election of state officers, which occurred at the same time, the Democrats were victorious. H. H. Sibley and Alexander Ramsey were the candidates for governor. The former received 17,796 votes and the latter 17,550. George L. Becker, William W. Phelps, and James M. Cavanaugh, all Democrats, were elected representatives to congress.

By an act of congress, March 3, 1857, the sale of Fort Snelling and six thousand acres of the reservation was authorized. In pursuance of this act the property was sold to Franklin Steele for ninety thousand dollars, the first payment—one-third of the purchase price—being made on July 25. Later, owing to intimations of irregularity in the deal, congress reconsidered the sale, and no more payments were accepted. During the first years of the Civil war, the government used the fort for the organization and equipment of troops. Steele presented a claim to congress in 1868, and the matter was finally settled in 1870, congress allowing him two thousand acres of the reservation for the thirty thousand dollars he had paid.

Under the expectation that the state would be admitted soon after the adoption of a constitution, a provision was made for convening the first state legislature on the first Wednesday in December, 1857. The legislature met at that time and organized, with William Holcombe president of the senate and George Bradley speaker of the house. The assembly elected Henry M.

* Official returns. Full returns from all the election precincts showed 36,240 for the constitution to 700 against it.

Rice and James Shields to the United States senate, and waited for the admission of the state until March 25, when an adjournment was taken to the second of June.

The delay in congress was chiefly owing to the fact that Kansas was asking for admission on a slavery constitution, and there was a general desire on the part of the "free state" members to settle the Kansas question before Minnesota was admitted. The election in Minnesota was a disappointment to the Republicans. Leaders of that party fully expected an addition to their forces in congress, but instead two Democratic senators and three representatives were knocking at the door for admission. When the enabling act was before congress, the members from the slave states opposed it, while it was generally supported by those from the free states. Now the conditions were reversed. Slavery congressmen hoped for the speedy admission of the new state, that the senators and representatives might help to determine the fate of Kansas.

January 11, 1858, President Buchanan notified congress that he had received a certified copy of the constitution from Governor Medary, which had been referred to the committee on territories. On the twenty-ninth a bill to admit Minnesota as a state was introduced in the senate by Stephen A. Douglas, of Illinois. In the long debate which ensued could be seen the unusual spectacle of stalwart Republicans, like John Sherman, of Ohio, opposing the admission of a free state, and such champions of slavery as Robert Toombs and Alexander H. Stephens, of Georgia, favoring it. The bill passed the senate on the seventh of April, with only three negative votes. A few days later it passed the house by a vote of 158 to 38, and May 11, it was approved by the president. The two senators-elect from Minnesota, and two of the representatives—Phelps and Cavanaugh— were admitted to seats as soon as the bill was approved.

In the "Bill of Rights" in the constitution of Minnesota, it was declared that none should be disfranchised or deprived of rights unless by the law of the land or the judgment of his peers; that the liberty of the press should be inviolate; that the writer or publisher should be responsible for any abuse of the privilege; that the right to trial by jury should never be abridged; that in criminal cases the accused should have the right to a speedy and public trial; that the writ of *habeas corpus* should not be suspended; that every one should be entitled to a remedy in the laws for injuries to person, property or character; that there should be no imprisonment for debt; and that private property should

not be taken for public use without just compensation. Feudal tenures in the holding of lands were prohibited, and the military power was rendered subordinate to the civil power.

Article II declared the name of the state and fixed the boundaries, and accepted the propositions of the congressional enabling act.

The government was divided into the legislative, executive and judicial departments, and the powers of each were defined. It was provided that there should never be, in the state legislature, more than one senator for every five thousand inhabitants, nor more than one representative for every two thousand. No appropriations could be made except by bill. All bills for raising revenue were required to originate in the house of representatives, and that body was given the sole power of impeachment. It was also provided that no bills should be passed on the last day of the legislative session. A census was ordered taken in the year 1865, and every tenth year thereafter, as a basis for reapportioning the members of the two branches of the assembly. The enactment of laws authorizing lotteries, or the sale of lottery tickets, was forever prohibited.

The executive department consisted of the governor, lieutenant-governor, secretary, auditor, treasurer and the attorney-general. These officers were to be elected for two years, and were charged with the duty of enforcing the laws passed by the legislature.

The judicial authority was vested in a supreme court, the district courts, one probate court in each organized county, and a sufficient number of justices of the peace to transact the legal business of the state. As established by the constitution, the supreme court was made up of a chief justice and two associates. Six judicial districts were created, as follows:

First, the counties of Washington, Anoka, Chisago, and St. Louis. Second, the county of Ramsey. Third, the counties of Wabasha, Olmsted, Houston, Fillmore and Winona. Fourth, Stearns, Wright, Meeker, Carver, Hennepin, Benton, Morrison and Crow Wing. Fifth, the counties of Waseca, Dodge, Mower, Freeborn, Rice, Goodhue, Dakota, Scott and Steele. Sixth, the counties of McLeod, Sibley, Le Sueur, Nicollet, Blue Earth, Faribault and Brown.

Of the unorganized counties Buchanan, Kanabec and Pine were attached for judicial purposes to Chisago county; Manomin, Monroe and Isanti were attached to St. Louis; Todd to Stearns, and Mille Lacs, Itasca, Pembina and Cass to Morrison.

Judges were to be elected for seven years. The jurisdiction of

justices of the peace was limited to one hundred dollars in civil cases, and to a fine of one hundred dollars in criminal cases, to the latter of which might be added three months' imprisonment.

Every male person twenty-one years of age, or older, belonging to either of the following four classes, was declared to be a legal voter. First, White citizens of the United States. Second, White persons of foreign birth who shall have declared their intention to become citizens. Third, Persons of mixed white and Indian blood who adopt the customs and habits of civilization. Fourth, Indians in the state who shall have adopted the customs and habits of civilization, when examined by a district court and pronounced capable of citizenship.

A permanent fund for the maintenance of the common schools was created from the proceeds of the lands donated by congress. It was also provided that not more than one-third of these lands should be sold in two years; one-third in five years, and the remaining third in ten years.

With regard to the question of public finances, it was provided that all taxes for raising revenue should be uniform throughout the state, and should be levied upon all forms of property except educational, charitable and religious institutions, public buildings, cemeteries, and personal property not to exceed in value two hundred dollars. The maximum limit of public indebtedness, except loans for specific purposes, was fixed at two hundred fifty thousand dollars; and it was expressly stipulated that the state's credit should never be given or loaned to any individual, association or corporation.

The convention placed restrictions upon the enactment of banking laws by the legislature, to the effect that no law should sanction or permit the suspension of specie payments, either directly or indirectly; that all banking laws should provide for the registry of bills; that security for their redemption should be furnished in state or United States stocks; that stockholders in any bank of issue should be liable for the debts of the corporation to the amount of twice the par value of their stocks; that in case of failure of any bank of issue the bill holders should become preferred creditors; and that every bank should keep a record of stockholders, showing the amount of stock held by each, as well as all transfers of stock.

The capital was established at St. Paul; but, at the same time, it was provided that at the first, or any subsequent, legislature, a law authorizing the location of the seat of government by a popular vote might be enacted.

Among the miscellaneous provisions it was ordered that, until the state should be divided into congressional districts, three congressmen at large should be elected; that the first legislature should be composed of thirty-seven senators and eighty representatives; that the first election should be held on the second Tuesday in October, 1857; and that the seal of the state should be in the custody of the secretary and should be affixed to all official acts of the governor requiring attestation.

Amendments to the constitution might be proposed at any session of the legislature, and, after passing both houses, should be submitted to the people at a general election, for their approval or rejection, when a majority of all the votes cast, if in their favor, should render the amendments operative. In order to amend by a new constitutional convention, a vote of two-thirds of each branch of the legislative assembly was required; and, after being ratified by the people, the next legislature was directed to provide for a convention to be held within three months after the delegates were elected.

Such is a brief synopsis of the organic law under which Minnesota was admitted as the thirty-second state of the American Union.

CHAPTER III

From Sibley to Marshall

THE adjourned session of the first state legislature was convened on June 2, 1858, and the next day Governor Sibley was inaugurated; the state officers elected the preceding autumn were inducted into office, and the state government was complete.

Henry Hastings Sibley, the first state governor of Minnesota, was born in Detroit, Mich., February 11, 1811. When about eighteen years of age, he entered the service of the American Fur Company as a clerk at Mackinaw, and in 1834 was placed in charge of the newly established post of Mendota. From that time forward he took a keen interest in the affairs of the coming state. His election as the first congressional delegate from Minnesota, his connection with the constitutional convention, and his military record, are part of the history of the state, and are given due prominence in their proper places. In 1844 he was married to Sarah J. Steele at Fort Snelling. After serving his term as governor, he was appointed one of the regents of the state university and continued to officiate as such until his death at St. Paul, February 18, 1891.

One of the acts of the first state legislature was to fix the salaries of the state and judicial officers. The governor received two thousand five hundred dollars a year; the lieutenant governor, one thousand six hundred dollars; the secretary and auditor of state, one thousand five hundred dollars each; the treasurer of state and attorney general, one thousand dollars each; judges of the supreme court, two thousand dollars each; district judges, two thousand dollars each; state librarian, six hundred dollars; clerk of the supreme court, one thousand dollars, and prosecuting attorneys, one thousand dollars.

While this assembly was in session, the railroad companies, to whom the congressional land grants had been given by the last territorial legislature, confessed their inability to build the roads without further assistance from the state, and asked for a loan of credit. But the constitution prohibited any loan or gift of the state's credit to individuals or corporations. In their desire to secure railway transit, the legislators yielded to the importunities of the railroad companies, and passed an amendment authorizing a loan of one million two hundred and fifty thousand dollars to each of the four corporations that had received the lands. This amendment was submitted to the people at a special election April 15, 1858.

Men like ex-Governor Gorman, William R. Marshall and Governor Sibley foresaw the danger that would result from such an amendment and tried to show that danger to the people so that they would vote against it. But the desire for railroad transportation overwhelmed all the arguments that these men could make, and the amendment was ratified by a vote of 25,023 to 6,733. By the terms of the amendment, each company was required to complete fifty miles of road before the close of the year 1861; one hundred miles before 1864, and the entire line before 1866. In case of failure to comply with these requirements, all rights, title and interest in any lands, as well as all franchises, were to be forfeited and were to revert to the state.

On August 4 Governor Sibley refused to issue the bonds pledged by the amendment, unless the railroad companies would first execute in favor of the state first mortgage bonds upon all rights, titles and franchises. Mandamus proceedings were instituted in the supreme court of the state, which, in November, ordered the governor to issue the bonds whenever the railroad companies met the demands of the amendment. Judge Flandrau gave a dissenting opinion, supporting the governor in his refusal.

Between the passage of the enabling act and the adoption of this amendment, came the panic of 1857. Speculation, which had been rife, carried hundreds into bankruptcy. Bubbles were punctured on every hand, and many legitimate business houses failed because of the support they had given to some visionary scheme, or by reason of the shrinkage in values caused by the general depression. Not only was the current of immigration checked, but many who had come during the "boom" times now left the new state.

In the end all this proved beneficial to Minnesota. But the railroad bonds, thus issued over the governor's protest by order

of the supreme court, while business was in such an unsettled condition, were not considered a good investment. Failure to realize on these securities compelled the companies to cease operations, and the year passed with very little progress made in railroad building.

During the two sittings of this first state legislature, eleven new counties were established, Douglas, Monongalia, Kanabec, Breckenridge, Becker, Otter Tail, Toombs, Kandiyohi, and Monroe were created in March, Wadena in June, and Polk in July.*

August 2, only a few days before the final adjournment, an act providing for the establishment of three normal schools was passed: The first within five, the second within ten, and the third within fifteen years from the passage of the act. No appropriations for their support were to be made by the legislature until each town where they might be located should donate a site and five thousand dollars. Under the provisions of this law, the first normal school was opened at Winona in the fall of 1860, the second at Mankato in the fall of 1868, and the third a year later at St. Cloud.

Among the minor events of the year 1858 were the setting apart of a small tract of land at the pipestone quarry in April, as a reservation for the Yankton Sioux Indians, and the withdrawal of the troops from Fort Snelling in May.

In June, 1859, an overland route was opened between St. Paul and the town of Breckenridge on the Red river. From the latter place communication by a steamboat was established with the posts of Hudson's Bay Company. The machinery for the boat had been transported by teams from the nearest landing on the Mississippi river. Both the steamboat and the overland coaches were operated by the firm of J. C. Burbank & Co. The establishment of this line marked the beginning of the decline of the Red river carts that for several years had played so important a part in the fur trade of the Northwest.

In the campaign of 1859 the Republicans again nominated Alexander Ramsey, while the choice of the Democrats fell upon George L. Becker. At the election Ramsey received 21,335 votes, and his opponent 17,582. Ignatius Donnelly was elected lieutenant governor.

The second state legislature assembled on the seventh of December, 1859. Amos Coggswell was elected speaker of the house, and Lieutenant Governor Holcombe presided over the sen-

*For exact dates see the table in the last chapter.

ate. Again the railroad bond question came before the assembly for solution. Unable satisfactorily to negotiate the bonds, the railroad companies asked the state to accept them as a basis for the issue of a currency, but the state authorities refused to make any further concessions to the corporations. This refusal had a tendency still further to depreciate the value of the bonds in the open market. Speaking of this condition, and the failure of the constitutional amendment to accomplish all that had been claimed by its advocates, Governor Sibley said in his message: "The measure has proved a failure, and has by no means accomplished what was hoped from it, either in providing means for the issue of a safe currency, or in aiding the companies in the completion of the work upon the roads."

Governor Ramsey was inaugurated on January 2, 1860. In his inaugural address the same subject was made an important theme. He urged the assembly to make some provisions for the immediate retirement of these bonds in a way that would be creditable to the state and without financial loss to the holders of the bonds.

"It is extremely desirable," said he, "to remove as speedily as possible so vexing a question from our state politics, . . . all to end just as similar complications in other states have ended; the men who have gradually engrossed the possession of all the bonds, at the cost of a few cents on the dollar, will knock year after year at the door of the legislature for their payment in full; the press will be subsidized; the cry of repudiation will be raised; all the ordinary and extraordinary means of procuring legislation in doubtful cases will be freely resorted to; until finally the bondholders will pile up almost fabulous fortunes."

Some thought Governor Ramsey took too pessimistic a view of the situation, but his predictions were soon to be realized. The legislature passed an amendment providing that there should be no further issue of railroad bonds "under what purports to be an amendment to section ten, article nine, of the constitution adopted April 15, 1858, which is hereby expunged from the constitution, saving, excepting and reserving to the state, nevertheless, all rights, remedies, and forfeitures accruing under the same." The amendment further provided that any proposition to liquidate the bonds should be submitted to a popular vote before it became effective. This amendment was ratified by a decisive majority at the election in November. In the meantime, a payment of interest falling due had been defaulted, and the cry of repudiation was raised, just as Governor Ramsey had

presaged. Before another legislature met, the advent of the Civil war claimed public attention, and for a time the railroad bonds were forgotten.

One duty that devolved upon the second general assembly was the election of a United States senator to succeed James Shields, whose term expired March 4, 1860. Morton S. Wilkinson, a Republican, was elected.

In February, the legislature passed an act establishing a bureau of statistics, and Joseph A. Wheelock was appointed as the head of the bureau. In July he issued a report for the year ending December 31, 1859, which was recommended to eastern emigrants as an epitome of the natural resources and advantages of Minnesota. The distribution of this report brought many a homeseeker to the state, and contributed materially toward increasing the population.

Watonwan county was created on February 25, and Ripley county on March 8. The former became an organized county on the sixth of the following November, while the latter has disappeared entirely from the map.

On February 14, Governor Ramsey approved an act, by which all legislation regarding the territorial university, except the constitutional provisions, was repealed and the state university was founded. The act of 1860 placed the management of the institution in the hands of a board of regents, composed of the governor, lieutenant governor, chancellor of the university, and five electors of the state to be appointed by the governor. Any person contributing not less than fifteen thousand dollars was privileged to endow a professorship and name the professor. Two departments were named in the act—the collegiate and the teachers'; other departments were to be determined by the board of regents, which was authorized to hold the first meeting at the capitol on or before the first Tuesday in April.

At the presidential election in 1860, the first in which Minnesota participated as a state, Lincoln received 22,069 votes, Douglas 11,920, Breckenridge 748 and Bell 62.

The third legislature met at St. Paul, January 8, 1861. Lieutenant Governor Donnelly was the presiding officer of the senate, and Jared Benson was elected speaker of the house. Several important acts relating to the common school system were passed: One regulating the sale of the school lands donated by congress, and another creating the office of superintendent of public instruction, which had hitherto been held, ex-officio, by the chancellor of the state university, Edward D. Neill. On

March 8, the two branches of the legislature met in joint session to elect a superintendent, and Mr. Neill was unanimously chosen for a term of two years. Another act in the interests of education was the donation of a large tract of swamp lands in McLeod county to the agricultural college. The session continued until March 8, when it adjourned sine die, and the third legislature passed into history.

For weeks the people of the Northern states had been in a state of suspense regarding the outcome of the movement of the slave states to withdraw from the Union. On Friday morning, April 12, the first shot of the great Civil war went crashing into Fort Sumter, and the suspense was ended. Now they plainly saw their duty and did not shrink from it. Thousands who had looked upon slavery, in an abstract way, as an evil, saw in this disregard of national authority a blow struck at the very foundation of liberty. If the rising spirit of insurrection were not checked, it would mean the overthrow of institutions that the heroes of Bunker Hill, Valley Forge and Yorktown had fought to establish. Slavery was one thing, the preservation of the Union was another, and the choice was soon made: The Union must be preserved!

At that time Governor Ramsey was in Washington. On Sunday he called upon President Lincoln and tendered the assistance of a regiment of troops to quell the rebellion. The president accepted the offer, and instructions were telegraphed to Lieutenant Governor Donnelly. On the fifteenth President Lincoln issued his call for 75,000 volunteers, which was immediately followed by Donnelly's proclamation calling for the quota required from Minnesota. The first man to enlist was Josias R. King, of St. Paul, the first volunteer soldier of the Civil war.

Minnesota, however, had gone on record before these events. When the steamer, *Star of the West*, was fired upon, January 9, from the batteries of Morris island, the legislature, which was then in session, expressed indignation and called upon the general government to assert its supremacy. Again on January 26 the legislature passed resolutions declaring that one of the vital and necessary principles which form the basis of all free government, is that the constitutional majority must always rule; that the right of the people of any state to withdraw from the Union can never be acknowledged; that the people of the state of Minnesota reiterate their unalterable devotion to the constitution of the United States; that Abraham Lincoln and Hannibal Hamlin had been constitutionally elected president and vice presi-

dent of the United States by the people of North and South alike; that, "fully impressed with our duty to make every possible effort to uphold the Union, and to maintain the authority of the General Government, we hereby tender to the President of the United States for that purpose, through the Governor of this state, aid in men and money to the extent of our ability." When Governor Ramsey, therefore, tendered to the president a regiment of volunteers, he was acting in concert with the people's representatives who had passed these resolutions.

By April 27 the regiment promised by the governor was complete, and in consequence several companies that had offered their services were declined. May 3, the governor sent a telegram to the president offering a second regiment. A telegram from the secretary of war in reply said: "It is decidedly preferable that all regiments mustered into the service of the government from your state, not already actually sent forward, should be mustered into service for three years or during the war." Soon after receiving this telegram, Governor Ramsey went to Washington. There, on May 11, he received the following telegram from Lieutenant Governor Donnelly: "The entire First regiment, by its commissioned officers, is this day tendered to the president for three years or during the war. The men will be mustered in today by Captain Nelson. In case of deficiency in the ranks, what course would you recommend? Answer."

After consulting with the authorities at Washington, Governor Ramsey replied, ordering the regiment originally intended for the three months service to be mustered in for three years. On June 21 it started for the seat of war and was the first three year's regiment to reach the front.

A little while before the departure of the regiment for Washington, the men marched from the camp at Fort Snelling to the capitol where a handsome silk flag, the gift of the ladies of St. Paul, was presented. Captain Stansbury, of the United States topographical engineers, made the presentation address, which was fitly responded to by Colonel Gorman. The officers of this regiment, as mustered into the service in 1861, were: Willis A. Gorman, colonel; Stephen Miller, lieutenant-colonel; William H. Dike, major; William B. Leach, adjutant; Mark M. Downie, quartermaster; Jacob H. Stewart, surgeon; Charles W. Le Boutillier, assistant surgeon; E. D. Neill, chaplain. None of these officers, except Quartermaster Downie, was with the regiment when it was mustered out, May 4, 1864. Some had been promoted for gallant conduct, some had resigned, and at

least one had yielded up his life as a sacrifice to the cause he fought to defend. At the time the regiment was discharged the officers were: Colonel, William Colville, Jr.; lieutenant-colonel, Charles P. Adams; major, Mark M. Downie; adjutant, John Peller; quartermaster, Francis Baasen; surgeon, John B. Le Blond; assistant surgeon, Peter Gabrielson; chaplain, F. A. Connell. Three colonels of this regiment were promoted to the rank of brigadier-general, W. A. Gorman, October 1, 1861; Napoleon J. T. Dana, February 3, 1862; and Alfred Sully, September 26, 1863.

July 21, just one month after leaving St. Paul, the regiment was initiated into the real horrors of war at the disastrous battle known as the first Bull Run, where, as a part of Heintzelman's division, the men behaved like veterans and won honorable mention in the reports of the commanding officers. While supporting Rickett's battery, near Sudley church, they were exposed to a destructive fire of both infantry and artillery; but they stood their ground until ordered to retreat, and retired fighting from the field. In this engagement almost one-fifth of the regiment was lost in killed, wounded and captured.

After the battle recruits were added to the regiment to make up the losses, and, from that time until the spring of 1864, the First Minnesota was on the firing line, taking part in the engagements of Edward's Ferry, Yorktown, Fair Oaks, Peach Orchard, Savage Station, Glendale, Nelson's Farm, Malvern Hill, Antietam, the two battles of Fredericksburg, Gettysburg, and Bristow Station. At Gettysburg the regiment sustained the greatest loss of any regiment in a single battle during the war. On that memorable 2d of July, 1863, the two hundred and sixty-two men of the First Minnesota charged more than ten times their number and assisted materially in holding back Longstreet's army until reinforcements came. Of the "two hundred and sixty-two who made the charge two hundred and fifteen lay upon the field stricken down by rebel bullets, forty-seven were in line and not a man was missing."* General Hancock, speaking of this charge, said: "There is no more gallant deed recorded in history."

What is true concerning the bravery of the First Minnesota, is also true of all her other troops. The labor and privations of a frontier life had developed in them the qualities of patience and fortitude, so necessary to the soldier. Breathing the pure air of

* Minnesota in the Civil War: Judge Lochren.

her forests and prairies, had given them physical strength and a power of endurance that few men equaled and none surpassed. Surrounded by Indians who were always treacherous and who might at any moment become hostile, they became familiarized with danger and were made experts in the use of the rifle. Back of all this was that spirit of independence, that love of freedom and that rugged patriotism, which come only to the frontiersman.

In July, 1861, the Second regiment was organized and mustered into the service with Horatio P. Van Cleve, colonel; James George, lieutenant-colonel; Simeon Smith, major; Reinald Burgham, surgeon; Moody C. Tollman, assistant surgeon; Daniel P. Heany, adjutant; William S. Grow, quartermaster; and Timothy Cressy, chaplain.

The regiment was ordered south in October and was assigned to the army of the Ohio under Buell. It participated in the battle of Mill Spring in January, 1862; was at the siege of Corinth in April, 1862; was transferred to the army of the Tennessee, where it took part in Bragg's raid; joined in the battle of Perryville and the various skirmishes and other engagements of the Tullahoma campaign; and participated in the two days' battle of Chickamauga, in September, 1863, and in the battle of Mission Ridge in November. In January, 1864, the regiment was veteranized and transferred to Sherman's army. It was in the early Atlanta campaign; joined in the battles of Resaca and Jonesboro; marched with Sherman to the Sea; fought its last fight at Bentonville in March, 1865, and was mustered out at Fort Snelling, July 11, 1865, after four years of arduous service. Colonel VanCleve of this regiment was promoted to the rank of brigadier general in March, 1862.

The Third regiment entered the service of the United States in October, 1861. Henry C. Lester, of Winona, was colonel; John A. Hadley, major; Cyrene H. Blakely, adjutant; Samuel H. Ingham, quartermaster; Levi Butler, surgeon; Francis H. Milligan, assistant surgeon; Chauncey Hobart, chaplain. At Murfreesboro, Tenn., in July, 1862, the regiment was captured and paroled. From that time until November, 1863, it was engaged in the suppression of the Indian outbreak in Minnesota. In November it was ordered to Little Rock, Ark. In January, 1864, the regiment was veteranized, after which it participated in the engagements at Fitzhugh's Woods, Pine Bluff and Duvall's Bluff. It was mustered out at the latter place September 2, 1865, and a few weeks later was disbanded at Fort Snelling.

December 23, 1861, the Fourth regiment organization was com-

pleted with John B. Sanborn, colonel; Minor T. Thomas, lieutenant-colonel; A. E. Welch, major; John M. Thompson, adjutant; Thomas B. Hunt, quartermaster; John H. Murphy, surgeon; Elisha W. Cross, assistant surgeon; Asa S. Fisk, chaplain. In April, 1862, the regiment was ordered to Benton Barracks, Missouri, and in May was assigned to the army of the Mississippi. It was at the siege of Corinth and Vicksburg and in the battle of Iuka, after which it was transferred to the Fifteenth Corps and was in the battle of Mission Ridge. After being veteranized in January, 1864, it was transferred to Sherman's army with which it marched to the sea, taking part in the skirmishes and battles of the campaign. July 8, 1865, the regiment was mustered out at Louisville, Ky.

In the election of 1861 Governor Ramsey was chosen to succeed himself, receiving 16,274 votes to 10,448 cast for E. O. Hamlin, the Democratic candidate. Henry A. Swift was elected lieutenant-governor. A comparison of the vote with that of two years previous shows a falling off of 12,195, which can only be accounted for by the absence from the state of those engaged in military duty.

On the seventh of January, 1862, the fourth state legislature assembled and remained in session sixty days. Governor Ramsey stated in his message that the total number of troops enlisted from Minnesota up to the close of the year 1861 was 4,400. Besides the four regiments of infantry mentioned, there were three companies of cavalry—95 men each—under Captains West, Von Minden and Brackett; Captain Peteler's company of sharpshooters—92 men, and the 156 volunteers of the First artillery.*

During the session a number of new counties was established, and the names of several counties previously created were changed, owing to conditions growing out of the war. February 6 Redwood county was formed from part of Brown county, and on the twentieth the counties of Big Stone, Chippewa, Lac qui Parle, Pope, Stevens and Traverse counties were created. Becker county was established, March 6, and on the same date, Senator Breckenridge, of Kentucky, having joined the Confederate cause, the name of Breckenridge county was changed to that of Clay. For the same reason the name of Toombs county was changed to that of Andy Johnson.

In the month of May the Fifth regiment was organized with

*Captain Peteler's company of sharpshooters was not mustered in until February 10, 1862. It was first with the Second U. S. Regulars, but was afterward attached to the First Minnesota, where it remained until the close of the war.

the following staff officers: Colonel, Rudolph Borgesrode; lieutenant-colonel, Lucius F. Hubbard; major, William B. Gere; adjutant, Adolphus R. French; quartermaster, William B. McGrorty; surgeon, Francis B. Etheridge; assistant surgeon, Vincent P. Kennedy; chaplain, James H. Chaffee.

May 9, the whole regiment, except three companies that were assigned to garrison duty at the frontier posts, was ordered to Pittsburg Landing. These three companies were engaged at Redwood, Fort Ridgely and Fort Abercrombie, during the Indian outbreak. Those who went south were at the siege of Corinth and Vicksburg, and in the battles of Iuka, Jackson, Mechanicsburg, Richmond, and Fort DeRussey. In the spring of 1864 the Fifth Minnesota formed part of the Red River expedition under General Banks. During the rest of its service it fought at Lake Chicot, Tupelo, Abbeyville, Nashville, Spanish Fort, and Fort Blakely. With other regiments the Fifth was veteranized in January, 1864, and was among the last volunteer regiments to leave the service, being mustered out at Demopolis, Ala., September 1, 1865.

During the months of June and July, Governor Ramsey personally visited every sick and wounded Minnesota soldier in the St. Louis hospitals, as well as those with their commands in the states of Tennessee, Alabama and Mississippi. This manifestation of interest on the part of the chief executive, and the words of cheer he brought, nerved the troops of the "North Star State" to deeds of still greater valor.

Five regiments, the Sixth, Seventh, Eighth, Ninth and Tenth, were organized and mustered into the United States service in August. The officers of the Sixth, were: William Crooks, colonel; John T. Averill, lieutenant-colonel; Robert N. McLaren, major; Florian E. Snow, adjutant; Henry L. Carver, quartermaster; Alfred Wharton, surgeon; Jared W. Daniels, assistant surgeon; Richard B. Bull, chaplain.

A detachment of two hundred men belonging to this regiment fought at Birch Coolie and Wood Lake in September, and the entire regiment was with Sibley in the Indian expedition of 1863. Not until June, 1864, did the Sixth take any part in the Civil war. Then it was ordered to Helena, Ark., where it became part of the Sixteenth army corps. In the following January it was ordered to New Orleans and was with other Minnesota troops in the battles of Fort Blakely and Spanish Fort, near Mobile, in April. It was discharged at Fort Snelling August 19, 1865.

The Seventh regiment was officered as follows: Colonel,

Stephen Miller; lieutenant-colonel, William R. Marshall; major, George Bradley; adjutant, John K. Arnold; quartermaster, A. Cutter; surgeon, Jeremiah E. Finch; assistant surgeon, Lucius B. Smith; chaplain, Oliver P. Light. Colonel Miller was made a brigadier general November 6, 1863, and Lieutenant-Colonel Marshall succeeded to the command.

Like the Sixth this regiment was engaged in the Indian campaigns of 1862-63. In October of the last year it was ordered to St. Louis, being assigned to the Sixteenth corps. It was in the engagements at Paducah, Tupelo, Tallahatchie, Nashville, Spanish Fort, and Fort Blakely, and took part in the campaign against General Price. It was discharged at Fort Snelling, August 16, 1865.

The staff of the Eighth regiment was comprised of Colonel Minor T. Thomas; Lieutenant-Colonel Henry C. Rogers; Major George A. Camp; Adjutant George W. Butterfield; Quartermaster George L. Fisk; Surgeon Frank Reiger; Assistant Surgeon Irving H. Thurston, and Chaplain Lauren Armsby. This regiment was engaged in campaigns against the Indians until the fall of 1864, when it was ordered to Clifton, Tenn. Under General Milroy it participated in the battle of the Cedars, near Murfreesboro, Tenn., on the 7th of December, after which it was ordered to Cincinnati, then to Washington and then to North Carolina, where it was engaged in the three day's battle at Kingston in March, 1865. The regiment was mustered out at Charlotte, N. C., July 11, 1865.

Alexander Wilkin, former territorial secretary, was colonel of the Ninth regiment. The other officers were Joseph F. Marsh, lieutenant-colonel; William Markham, major; Edward H. Cause, adjutant; John P. Owens, quartermaster; Charles W. LeBoutillier, surgeon;* Refine W. Twitchell, assistant surgeon; Aaron H. Kerr, chaplain.

The regiment was assigned to duty on the frontier during the Indian outbreak, but in September, 1863, was ordered south. From that time until it was mustered out in August, 1865, it was in active service at Memphis, Tupelo, Nashville, Tallahatchie, Spanish Fort, Fort Blakely, in the Oxford expedition and the campaign against General Price. At the battle of Tupelo, July 14, 1864, Colonel Wilkin was killed while leading his men into action. Of his death Captain Arnold, of the Seventh regiment, says:

"The bullets and shells were flying thick and fast. Colonel

*Transferred from the First regiment.

Wilkin sat on his horse, and when he was struck was giving his orders as coolly as he ever did on dress parade. He was instantly killed. He was shot under the left arm, the ball passing through the body and coming out under the right arm. I had left him but a moment before with an order. He never spoke after being hit, but fell from his horse and was dead before reaching the ground."

Of the Tenth regiment James J. Baker was the colonel; Samuel P. Jennison, lieutenant-colonel; Michael Cook, major; James C. Braden, adjutant; George W. Greene, quartermaster; Samuel B. Sheardown, surgeon; William W. Clark, assistant surgeon; Ezra R. Lathrop, chaplain.

Until October, 1863, the regiment was stationed at the frontier posts, or was engaged with Sibley in the Indian expedition to the Missouri river. In October, 1863, it was ordered to St. Louis, and between that time and June, 1864, was on duty at Columbus, Ky., and Memphis, Tenn. In the summer of 1864, it was attached to the Sixteenth Corps and participated in the battles of Tupelo, Nashville, Spanish Fort and Fort Blakely, and was in the Oxford expedition and the pursuit of General Price. It was mustered out August 19, 1865, at Fort Snelling.

Reference has been made to the Indian outbreak of 1862, and to the part taken in it by the Minnesota troops. Various causes have been assigned for the uprising, but it is quite probable that the conduct of dishonest government agents and the cupidity of the post traders were the immediate reason for the discontent among the Indians, that led to the revolt. Back of this lay the fact that they had been persuaded to cede their broad hunting grounds to the government and to live upon certain reservations. The restraint alone was galling to the Indians; and when, by fraudulent schemes of the agents and traders, they saw themselves swindled out of their annuities, the only remedies that suggested themselves were the rifle, the torch, the tomahawk and the scalping knife. Then the demands of the war or the negligence of the interior department, had caused a delay in the payment in the newly created "greenbacks" instead of the gold which the government had sent out for the purpose. This displeased the Indians and doubtless had an influence in hastening the trouble.

Some writers characterize the outbreak as unexpected. But it is a well established fact that, during the spring, various reports from widely different localities, reached the general government, to the effect that the tribes in several frontier states were contemplating a general movement against the settlers. Some of these reports said that emissaries of the Confederacy were among

them trying to stir up a mutiny. Others were to the effect that Canadian traders, in hope of regaining the fur trade of the Sioux, had promised them arms and ammunition with which to expel the whites from the country. Whether true or not, these reports led the commissioner of Indian affairs to issue a warning to prospective tourists against the possible dangers of the overland route to the Pacific coast.

The savages knew full well that the conditions were opportune for an attack. Thousands of active, able-bodied men were absent from their homes, fighting to preserve the Union. This would make the Indian conquest all the easier. Only two forts, Ridgely, and Abercrombie, were located in the Sioux country, and at that time they were poorly garrisoned, a fact that was also well known to the Indians. Five years before, the government had failed to punish Inkpaduta for planning and executing the Spirit Lake massacre,* and this failure had encouraged the young warriors to organize the Tee-yo Tee-pe, or Soldiers' Lodge, at the Lower Agency.

Amidst all these mutterings and preparations on the part of the Indians, the settlers of western Minnesota remaining entirely oblivious to the danger that threatened them. They were on terms of amity with the Indians, and knew not that behind the mask of friendship lurked a murderous desire. Quite a number of the settlers were Germans and Norwegians, and although the Indians in their laziness would impose upon them by begging and petty thieving, they suffered these indignities rather than give the savages cause for offense. But a rude awakening was near at hand.

There is little doubt that an insurrection was deliberately planned, and that it was precipitated by the reckless conduct of four drunken Indians belonging to the Lower Agency. About the middle of August a party of braves started from Shakopee's village on Rice creek for a hunt in the Big Woods. With them went the four agency Indians mentioned. These were all young men, who were exasperated by the inactivity of camp life, and who, once freed from the restrictions imposed at the agency, allowed their indiscretion to get the better of their judgment. Their course led them to the country of the Chippewas, who were the inveterate enemies of the Sioux, and the four young men announced their determination to take a Chippewa scalp. Before the threat could be carried out, however, a wrangle arose between

* See the History of Iowa for an account of this massacre.

Shakopee's men and the agency Indians, in which each party taunted the other with being cowards.

The four young men started on their return to the agency, and on August 17 came to the little village of Acton, in the southwestern part of Meeker county, where they succeeded in getting hold of some whisky, which was all that was needed to loose the demons within them. In their intoxicated condition, they went to a tavern, kept by a Robinson Jones, and demanded more whisky. The demand was refused, and the Indians became furious. Coupled with their refusal was the taunt of the Rice Creek Indians that they were cowards. Here was a chance to demonstrate their manhood and wipe out the insult. Jones and his wife were instantly killed, after which the Indians went to the house of Howard Baker, where they shot him, a man named Webster, and a newly arrived settler. They then returned to Jones's house and finished their bloody work by killing a young lady named Wilson.

As the effects of the whisky wore off, the fiends realized what they had done and became almost alarmed at the thought of the punishment which would surely be meted out by the authorities at the agency. In their distress they hurried to the home of Little Crow, who was one of the chief conspirators, told him what they had done and begged his protection. The Soldiers' Lodge* was convened, and in council it was decided, not only to stand by the culprits, but to make a heroic effort to exterminate the whites. Though not quite ready, according to the original plans of the plotters, they fixed upon the next morning, August 18, for the beginning of the slaughter. Thus the massacre was prematurely begun. Horrible as it was, it might have been worse had the original plans been allowed to mature, and had a general uprising been permitted to take place.

A little after sunrise on the morning of the eighteenth about three hundred warriors appeared about the buildings of the Lower Agency. That they were armed and decked with war paint occasioned no alarm, as the report had been circulated that a war party was about to proceed against the Chippewas. At a given signal the attack was commenced. Men, women and children were indiscriminately slaughtered without mercy. The stores were pillaged, after which the torch was applied to the buildings. With the exception of two men, who succeeded in concealing themselves, and a few women and children, who were kept as

*The Tee-yo Tee-pe, or Soldiers' Lodge, was called together only on special occasions to consider matters of an extraordinary nature, such as this massacre, for example.

captives, none escaped. Mr. Galbraith, the agent, was absent on business, but his family fell victims to the pitiless assault.

The news spread rapidly, and before noon a detachment of forty-eight men under Captain Marsh, started from Fort Ridgely for the scene of the trouble. At Redwood ferry, opposite the agency, his party was attacked by the Indians in ambush. Half of the men were killed, and Captain Marsh was drowned while trying to escape by swimming across the stream.

Messengers had gone out from the Soldiers' Lodge to notify all the bands of the beginning of hostilities. An attack was made at the Upper Agency and a number of persons killed; but through the influence of a friendly Indian named Other-day, about sixty people were spared. They managed to reach the white settlement in safety. Before night-fall, on that ill-fated eighteenth day of August, the whole southwestern part of Minnesota was a scene of carnage. Even after sunset the work of outrage and murder went on. The whole country was lighted up by the flames of burning homes. Children were torn from their mothers' arms and nailed to the doors of houses. The torch was then applied and when the grief stricken mother, in response to her off-spring's screams, begged for mercy, the answer was a blow from a tomahawk, that launched her into eternity.

Flushed with success at the result of their first day's work, Little Crow and his band planned an attack against Fort Ridgely. Some difference of opinion among the leaders caused a delay in making the assault, and this delay gave Agent Galbraith, who had returned to the agency, an opportunity to lead a party of reinforcements to the relief of the garrison. When the Indians did attack the fort, they were driven back with considerable loss. During the next few days the attempt was repeated several times; but the fort was always able to withstand the assault, and the Indians finally withdrew.

The dispute over the method of attacking Fort Ridgely had led part of Little Crow's forces to leave him; and this faction made an attack upon the settlement of New Ulm. Several of the citizens had been killed by the time the first detachment of a relief party from St. Peter, led by Sheriff Boardman, appeared. The detachment held the Indians in check until the arrival of the main body of reinforcements under Judge Flandrau. The next day about a hundred white men from Mankato and other points along the valley, were added to Judge Flandrau's force, whereupon the Indians abandoned the siege and rejoined Little Crow at Fort Ridgely.

News of the outbreak reached St. Paul on the nineteenth. Governor Ramsey took immediate steps to protect the settlers and punish the savages. He telegraphed to the war department, and to the governor of the adjoining states, for arms and ammunition. Ex-Governor Sibley's long experience as a fur trader, had rendered him thoroughly acquainted with Indian customs and character. At the personal request of Governor Ramsey, he consented to lead an expedition against the savages. Four companies of the Sixth regiment, then organizing at Fort Snelling, formed the nucleus of Sibley's little army of one thousand four hundred men, hastily recruited and equipped. The governor issued a proclamation for mounted volunteers to join this expedition, and ordered the appropriation of teams for the transportation of supplies.

Twenty-four hours after the news was first received at the capital, Sibley was on his way to the scene of the conflict. On the twenty-third another attack was made upon New Ulm, but the Indians were again repulsed by the little body of volunteers under Judge Flandrau. The next day, which was Sunday, a detachment of Sibley's troops arrived, scattered the Indians in all directions, and relieved the beleagured town. Two thousand women and children had gathered there, and after the Indians were driven off it was thought best to abandon the place for one of greater security. Accordingly, on Monday morning New Ulm was evacuated, and the refugees were taken to Mankato.

For several days Fort Ridgely had been in a state of siege. The determined resistance on the part of the little garrison doubtless saved the life of many a settler. Had the Indians given up their efforts to capture the fort after their first attack, they could have overrun the state before any organized defense could have been made. But, in their eagerness to seize the fort, they neglected their golden opportunity. On the twenty-sixth a force of men under Lieut.-Col. Samuel McPhaill rescued the garrison, whereupon the Indians disappeared.

In the meantime Colonel Sibley had been reinforced by several companies of the Seventh regiment under Lieut.-Col. W. R. Marshall, and had received a better supply of arms and ammunition. Preparations were made, therefore, for an active campaign against the Indians. Scouts brought in word that the savages and their families had retired beyond the Yellow Medicine. Major Brown, with about one hundred and fifty men, part of them mounted volunteers, was sent to the Lower Agency to bury the bodies of those who had been killed there. Altogether fifty-four bodies were found and interred, and the men started for the settlements

on Beaver river. Sunday evening, August 31, they encamped on a little plain overlooking the Minnesota river, near the long, wooded ravine known as Birch Coolie. At early dawn on Monday morning, they were startled by the war whoop of a large party of Indians; and immediately afterward a volley of musketry carried death and destruction to the unsuspecting camp. Ninety of the horses were killed early in the engagement. From behind the dead bodies of the animals, and from the rifle pits hurriedly dug with knives and bayonets, this intrepid band kept at bay a force vastly superior in numbers until noon the next day. The firing was heard at the fort fourteen miles away. Lieut.-Col. Samuel McPhaill, with fifty cavalry, Major McLaren, with about a hundred infantry, and Capt. Mark Hendricks, with a howitzer, were dispatched to the scene. The fight lasted all day. During the night Colonel Sibley came up with the remainder of the troops, and on Tuesday morning the Indians were routed. The dead whites, numbering twenty-five, were buried, and the wounded were carried to Fort Ridgely.

From the Birch Coolie affair the Indians learned that a large force of white men was in close pursuit. The greater part of them fled northward, burning, plundering, and killing, until they reached Breckenridge, where they murdered a large number of the settlers, after which they crossed Red river into Dakota and made an attack upon Fort Abercrombie. This was on September 3. On the same day a party of Indians, numbering about one hundred and fifty, suddenly appeared at Forest City, in McLeod county. A company of troops there commanded by Captain Strout gave battle, but were driven to Hutchinson, carrying twenty-three wounded with them. The people of Hutchinson had built and fortified a stockade in the public square, which structure enabled them to keep the Indians at bay.

After the fight at Birch Coolie Colonel Sibley spent several days in obtaining supplies and drilling his men for the final stroke of the campaign. As soon as ten day's rations were accumulated, he moved forward with his whole force toward the Upper Agency, to attack which, as he had learned, the Indians were gathered. On September 23 he came upon a large body of the enemy on the prairie near Wood lake, a little south of the agency. The Indians opened the engagement, and a desperate conflict, which lasted for more than two hours, ensued, when the Sioux displayed a flag of truce, asked permission to bury their dead. This was refused, and a message was sent back to Little Crow that injury to any one of the one hundred and fifty white captives meant the annihi-

lation of his tribe. Upon receiving this message Little Crow and the more blood-thirsty of his band deserted the camp, leaving the white prisoners with those who remained behind. The loss of the whites at Wood lake was less than forty in killed and wounded. That of the Indians was considerable greater, one account fixing it at thirty killed and eighty wounded.

After the battle Colonel Sibley encamped at the Hazelwood mission and began negotiations for the release of the white prisoners. Friendly Indians acted as go-betweens, and finally succeeded in persuading the hostile element to let the white captives go. The place where they were delivered to Colonel Sibley is at the mouth of the Chippewa river, near the town of Montevideo, and is still known as Camp Release. For his successful conduct of the campaign, and the diplomacy displayed in securing the release of the prisoners, Colonel Sibley was commissioned brigadier-general.

Now that the insurrection was suppressed and the white prisoners were liberated, the next thing was to punish the guilty. Little Crow with his women and children and a few of his immediate followers, had fled to the Yankton Sioux in Dakota. Nearly five hundred Indians were arrested and confined in an improvised log prison until they could be tried. Colonel Sibley organized a military commission, with Colonel Crooks, of the Sixth regiment, as president, to hear the evidence and decide upon the guilt or innocence of the prisoners. Of the four hundred and twenty-five tried by this commission one hundred and four were acquitted, eighteen were sentenced to different terms of imprisonment, and three hundred and three were sentenced to be hanged. President Lincoln afterward commuted the sentence of all but thirty-eight to imprisonment. The thirty-eight were hanged on the twenty-sixth of December. Among those executed was a negro named Godfrey, who had been a leader in the massacre and had been inordinately cruel.

Just how many lost their lives in this outbreak will probably never be known. Estimates ranging all the way from one hundred to eight hundred have been made. The latter figure is probably not far from the actual loss. More than twenty thousand settlers, many of whom abandoned everything and never returned, were driven from their homes. For months afterward several thousand refugees, mostly women and children, were supported by charity. Governor Ramsey urged the forfeiture of the Sioux annuities for the benefit of those whom they had rendered

homeless. The Indians had destroyed property worth at least two million five hundred thousand dollars, and the basis of the annuities was two million dollars.

Governor Ramsey called the legislature to meet in special session on September 9 to act on several questions growing out of the Sioux war. A board of auditors for the adjustment of claims was created; a loan of one hundred thousand dollars to cover the expenses of the war was ordered; an appropriation of twenty-five thousand dollars for the benefit of the refugees was made; and acts prohibiting sales of liquor to the Indians were passed. They passed memorials to congress, mildly criticising the government policy of dealing with the Indians, and asking for the removal of the Winnebagoes, and for the establishment of a fort on Red river as a better protection to the frontier. A commission, consisting of David Cooper, Henry S. Rice, Frederick Ayers and E. A. C. Hatch, was appointed to visit the Chippewas, in company with the agent of Indian affairs at Fort Ripley, for the purpose of making some kind of an agreement with them to preserve the peace.

At the October session, William Windom and Ignatius Donnelly, both Republicans, were elected to congress, and a majority of both branches of the legislature was chosen by the same party. During the year a railroad, the first in the state, was completed from St. Paul to St. Anthony, a distance of ten miles.

On January 6, 1863, the fifth legislature met at St. Paul, and remained in session until March 5. They passed an act authorizing county commissioners to draw warrants for the benefit of the Sioux war sufferers, at the rate of six dollars per month for each disabled person or widow and two dollars per month for each child. The amount to be thus expended by each county was limited to one thousand dollars.

In the election of a United States senator to succeed Henry M. Rice, the choice fell upon Governor Ramsey, thereupon Lieutenant-Governor Swift became governor. Henry A. Swift was born at Ravenna, O., March 23, 1823. After graduating from the Western Reserve college, he studied law, and in 1845 became a member of the Ravenna bar. Soon after the organization of the Minnesota territory, he removed to St. Paul, but afterward took up his residence at St. Peter. He served with distinction in the state senate for several years, and in 1861 was elected lieutenant governor. His death occurred February 26, 1869.

An act of congress, approved March 3, ordered all the reserve lying along the south bank of the Minnesota river, and belonging

to the Sisseton, Wahpeton, Medewakanton and Wapekuta bands of Sioux, to be sold for the benefit of the tribes, and further ordered the Indians removed to a reservation outside the state. Another echo of the Sioux war was the removal to Davenport, Ia., of the Indian prisoners who had been sentenced by the military commission, or whose sentence had been commuted by President Lincoln. Their families and a number of innocent Indians who had been kept in camp at Fort Snelling all winter, were taken to the reservation on Crow creek, a little tributary of the Missouri river. The United States government paid the state two hundred thousand dollars on account of the war.

The main body of Little Crow's warriors had retreated to Dakota, where they were pursued during the summer by Generals Sibley and Sully. Small bands of stragglers, however, eluded the soldiers, worked their way back into Minnesota, committing petty depredations and occasionally killing a settler. This served to keep the people in a constant state of dread, and many criticisms regarding the management of the military campaign were heard.

On the second of October, at the Old Crossing of Red Lake river, the government concluded an important treaty with the Red Lake and Pembina bands of Chippewas. A large tract of land in Dakota and Minnesota was ceded to the United States. The greater part of that portion of the cession lying in Minnesota, is now included in the counties of Kittson, Marshall, and Polk.

Stephen Miller was nominated for governor by the Republicans, while the Democratic ticket was headed by H. T. Welles. At the election Miller received 19,628 votes and Welles, 12,739. Charles D. Sherwood was elected lieutenant-governor.

The sixth legislature, which met in January, 1864, organized with Lieutenant-Governor Sherwood as president of the senate and Jared Benson as speaker of the house. Politically, the senate was made up of 16 Republicans, 4 Democrats and 1 Union Democrat; in the house there were 27 Republicans, 11 Democrats and 4 Union Democrats. On the eleventh of January Governor Miller was inaugurated.

Stephen Miller, the third governor of the state, was a native of Cumberland county, Pa., where he was born January 7, 1816. His opportunities for acquiring an education were somewhat limited. While still a youth he began life for himself by clerking in a store and studying in his spare moments such books as he could obtain. Later, he served in the clerk's office of Dauphin county, and 1849 was prothonotary of the county. Upon retiring from his office he became the editor of the Harrisburg *Telegraph*,

an influential Whig paper, where he remained until 1855, when he was appointed flour inspector of Philadelphia. In 1858 he went to Minnesota for the benefit of his health, and, liking the country, located at St. Cloud, where he opened a general store. In the campaign of 1860, he was a delegate to the convention that nominated Lincoln, and was also one of the electors on the Republican ticket the same year. When the First Minnesota regiment was organized, he was made lieutenant-colonel, a position he held until the organization of the Seventh regiment, when he became colonel, and November 6, 1863 was promoted to the rank of brigadier-general. He died at Worthington, Nobles county, August 18, 1881.

A resolution authorizing the appointment of a state geologist, was passed at this session of the legislature. In pursuance of the resolution, Governor Miller appointed Dr. August H. Hanchett, with Thomas Clark as assistant. The first report of the new department announced that gold and silver had been found in the ranges of hills around Vermillion lake. The announcement caused the wildest excitement, and soon hundreds of prospectors were on their way to the fields. A town sprang up on the south side of the lake; spiritualistic mediums were consulted with the expectation that they could locate lodes or deposits of the precious metals; machinery for developing the mines was hauled from Duluth at great expense; and thousands of dollars were sunk in enterprises that never paid a dividend. H. H. Eames succeeded Doctor Hanchett as geologist. Eames was owner of one of the "mines" and, for a time, tried to keep up the pleasing illusion that gold was to be found there; but the bubble finally collapsed, and the prospectors tramped back to their former occupations, poorer but wiser men.

On May 7, at Washington, D. C., the government made an arrangement with the Pillager and Lake Winnebago bands of Chippewas, by which the reservations at Gull lake, Mille Lacs, Sandy lake, Lake Pokegama and Rabbit lake were all ceded to the government, and the reservation at Leech lake was enlarged to accommodate those removed from the ceded lands.

In August, 1864, the eleventh regiment was organized with James B. Gilfillan, of St. Paul, colonel; John Ball, lieutenant-colonel; Martin Maginnis, major; Horatio D. Brown, adjutant; Nathaniel C. Gault, quartermaster; Henry McMahon, surgeon; Peter Gabrielson, assistant surgeon; Charles G. Bowdish, chaplain. Soon after being organized the regiment was ordered to Nashville, Tennessee, and was engaged in guarding the line of

railroad between that point and Louisville, Ky., until mustered out, June 26, 1865.

At the presidential election in November, the total vote was 42,435. Of this vote Lincoln received 25,060 and McClellan 17,375. Windom and Donnelly were both re-elected to congress, and a new legislature was chosen. In this legislature the senate stood 16 Republicans and 5 Democrats, and the house, 32 Republicans and 10 Democrats.

In April, 1865, the First regiment of heavy artillery was mustered into the Federal service. About the same time came the surrender of Lee and the close of the war. The regiment was stationed at Chattanooga until September, when it was discharged, the officers at the time being William Colville, colonel; Luther L. Baxter, lieutenant-colonel; Orlando Eddy, major; Milo M. Mead, surgeon; J. C. Rhodes, assistant surgeon; Charles Griswold, chaplain.

During the war Minnesota contributed to all branches of the military service a total of 24,263 men. Besides the regiments named in the order of their formation, there were several companies of cavalry and mounted rangers that took part in the Indian campaigns and the three batteries of artillery. The First battery organized in October, 1861, rendered effective service at Shiloh, Corinth, on the Oxford campaign, at Kenesaw Mountain and in a number of other engagements. It was discharged at Fort Snelling June 30, 1865. In December, 1861, the Second battery was organized and was ordered south in April, 1862. It participated in the siege of Corinth, Bragg's raid, the battles of Perryville, Lancaster, Knob Gap, Stone River, Tullahoma, Rome, Lookout Mountain, Chickamauga, Mission Ridge, Ringgold, Knoxville, and Buzzard's Roost Gap, and was discharged at Fort Snelling July 13, 1865. The Third battery entered the service in February, 1863, and formed part of General Sibley's force in the Indian expeditions of 1864, after which it remained in service at the frontier posts until February 27, 1866, when it was discharged.

On September 6, 1865, the Republicans held a state convention at St. Paul and nominated Gen. W. R. Marshall for governor. The platform adopted declared that the measure of man's political rights should be neither his religion, his birthplace, his race, his color, nor any merely physical characteristics. President Johnson's administration was approved; the refunding of the national debt at a lower rate of interest was advocated; a policy by which the United States should compel the withdrawal of the invading

forces from Mexico was favored, and the senators and representatives in congress from Minnesota were requested to use their influence to secure an amendment to the constitution of the United States, establishing the basis of representing in congress upon the number of votes cast, rather than upon the total population.

A Democratic convention had been held at the same place in August. They had adopted a platform endorsing the course of President Johnson, and pledging him the hearty support of the Democracy of Minnesota "so long and so far as he adheres to the fundamental and historic dogmas of the Government, which in the past have been cardinal doctrines of the Democratic faith." The platform also accepted the abolition of slavery as a result of the war; protested against any further suppression of the writ of *habeas corpus* in portions of the country under the plea of military necessity; recommended the refunding of outstanding national bonds at a lower rate of interest and making the bonds subject to taxation as other forms of property; opposed any further continuance of the protective tariff as a war revenue measure; declared in favor of applying the Monroe doctrine to the situation in Mexico; and objected to conferring the power of suffrage upon the negroes. After adopting this platform the convention adjourned to the seventh of September, when it reassembled and nominated Henry M. Rice for governor.

At the election in November the entire Republican ticket was successful. For governor Marshall received 17,318 votes, and Rice, 13,742. The state senate, as decided by this election, stood 14 Republicans to 7 Democrats, and the house 29 Republicans to 13 Democrats, giving the Republicans a majority of 23 on joint ballot. An amendment to the constitution, providing for striking out the word "white" as relating to the qualifications of voters, was lost by a vote of 14,840 against it to 12,170 in its favor.

During the year 210 miles of railroad were completed, and 132 were graded and made ready for the ties and rails.

CHAPTER IV

From Marshall to Pillsbury

WILLIAM R. MARSHALL, the fourth governor of the state of Minnesota, was born in Boone county, Mo.

While he was still in his childhood, his parents removed to Quincy, Ill., where he attended the common schools until he was sixteen years of age, when he went with his brother to the Galena lead mines. In 1847 he joined a surveying party that was then making a survey of the government lands in Wisconsin. The next year he was elected a member of the first state legislature of Wisconsin, but, owing to some dispute over the question of boundaries, did not take his seat. Two years later, in company with his brother, he opened the first general store in what is now the city of Minneapolis. He was a member of the first territorial legislature, and, after the capital was located at St. Paul, removed his business to that city. In 1855 he was nominated by the first Republican convention in Minnesota for delegate to congress. For several years prior to the panic of 1857, he was engaged in banking and mercantile pursuits at St. Paul, and for awhile was connected with the publication of the *St. Paul Daily Press*. Meeting with reverses in the panic of 1857, he engaged in dairy farming until 1862, when he enlisted as lieutenant-colonel of the Seventh Minnesota infantry. He was promoted to the colonelcy of the regiment, and at the close of the war ranked as brevet brigadier-general. He was inaugurated governor January 8, 1866, and was re-elected in 1867. He died January 8, 1896.

In his inaugural address Governor Marshall dwelt upon the importance of establishing institutions for the care, protection and education of the unfortunate. Acting upon his recommendations, the legislature then in session founded the first hospital for

the insane at St. Peter, and provided for the erection of suitable buildings for the deaf, dumb and blind asylum at Faribault.

Resolutions bearing upon the question of reconstructing the seceded states were adopted. In these it was declared that the logical sequence of secession was the abolition of slavery; that returning peace has its problems, upon the correct solution of which depend the future integrity, the quiet, harmony and safety of the nation; that no pecuniary obligations contracted for, or in aid of, the rebellion, should ever, upon any pretext, be submitted to the action of congress; that steps should be taken to secure and establish the strongest guaranties of freedom and civil rights to all, irrespective of color; and that, "whenever the elective franchise shall be denied or abridged in any state on account of race or color, all persons of such race or color shall be excluded from the basis of national representation."

During the war some of the franchises granted to railroad companies were forfeited, because of the indisposition or inability of the corporations to comply with the conditions imposed. New companies entered the field, the time of some of the old companies—as the Minnesota Central—was extended, and the work of building railroads was begun in earnest. Through the influence of Governor Marshall, the title to five hundred thousand acres of land set apart for internal improvements, which had, prior to this time, been overlooked, was established. Grants of land were obtained from congress for the Southern Minnesota and the Hastings and Dakota roads.

Beltrami county was created February 28, and McPhaill county March 1. The former became an organized county some time afterward, but, owing to a negative vote of the people, the latter was never organized, and the territory comprising it was taken to form other counties.

March 21, an important treaty with the chiefs of the Bois Forte band of Chippewas was concluded at Washington. By this treaty the Indians relinquished their title to a large tract of land lying between the Big Fork and Vermillion rivers and north of the cession of February 22, 1855. All the land within these boundaries, except one hundred thousand acres at Nett lake and one township on Big Fork, at the mouth of Deer Creek, which two tracts were retained as reservation, was ceded to the United States.

The only officers, besides congressmen and members of the state legislature, to be elected this year were a state auditor and a clerk of the supreme court. September 19, a Republican conven-

tion met at St. Paul and nominated Charles McIlrath for auditor and Sherwood Hough for clerk. - The platform adopted declared that all efforts to surrender the government to those who sought to destroy it should be resisted; that the loyal men of all states, that defended and preserved the national government, should dictate the terms upon which the inhabitants of the seceded states might again be admitted to citizenship; and that the nation owed a debt of gratitude to the men of the Union army.

On the twenty-seventh of the same month, the Democratic convention met at St. Paul. N. E. Nelson, a veteran of the civil war, was nominated for auditor and Lieutenant Dennis Cavanaugh, for clerk. The only platform adopted was the one affirmed in the declaration of principles made by the National Union convention at Philadelphia on August 14. That declaration affirmed that representation in congress and in the electoral college is a right recognized by the constitution as abiding in every state; that only men who admit this fundamental right should be elected to congress; that all powers not conferred by the constitution upon the general government, nor prohibited by it to the states, should be reserved to the states; that amendments to the constitution should be made only in the manner pointed out by its provision; that in proposing amendments all states should be represented; and that in ratifying them all states should have a vote. In the election, November 6, the Republican candidates were chosen by pluralities of about ten thousand.

The year of 1867 was one of general prosperity to the people of Minnesota. Large numbers were added to the population, and their purchases of schools and public lands increased the public revenues without proving a burden to the taxpayers. Nearly half a million dollars were expended during the years in the erection of new school houses. The state university and the normal school at Winona were in operation with a good attendance, and the other state institutions were reported to the legislature to be in good condition. Railroad communication was established, via La Crosse, to the east; and roads extending up the Minnesota and Red river valleys were also completed. Almost all the bonded debt of the state (three hundred twenty-five thousand dollars) was held by the permanent school fund, a condition to be found in very few states. An issuance of bonds amounting to one hundred thousand dollars for the erection of public buildings was authorized, but an aggregate of one hundred twenty-five thousand dollars of the eight per cent bonds issued in 1858 was redeemed

and canceled. D. S. Norton was elected United States senator to succeed M. S. Wilkinson.

Governor Marshall was nominated for re-election by the Republicans, and the Democrats nominated Judge Charles E. Flandrau. At the election Marshall received 34,874, and Flandrau, 29,502 votes. More than twice as many votes were cast at this election as at the election of 1865, showing the remarkable increase in population. For a second time the amendment proposing to strike the word "white" from the constitution was defeated, though by a smaller majority than at the election two years before. An amendment proposing a tax on national banks was also defeated, the majority against it being 25,609 in a total vote of 45,093. A vote was taken upon the proposal submitted by an act of the legislature, to provide a sinking fund for the payment of the two million two hundred seventy-five thousand dollars railroad bonds issued in 1858. On this question 51,698 votes were cast, 41,713 of which were in the negative.

The legislative assembly chosen at this election met at the capitol January 7, 1868, with Lieut. Gov. Thomas H. Armstrong presiding over the senate and John Q. Farmer presiding over the house. In this legislature the Republicans had 15 members in the senate and 33 in the house, while the Democrats had but 7 in the senate and 13 in the house.

On the sixth of March, an act creating Grant county was approved by the governor, and on the same day the name of Andy Johnson county was changed to that of Wilkin, in honor of Col. Alexander Wilkin.

In February the Republican members held a caucus and passed a resolution "that it is the sense of this caucus that the question of impartial manhood suffrage be submitted to the popular vote at the ensuing election." In pursuance of that resolution, the legislature passed a bill to amend the state constitution by striking out the word "white," and to provide that the proposition would be submitted to the people on the same ballot with the general ticket at the election in November.

On February 27, the Democrats held a convention and named four presidential electors and eight delegates to the national convention of that party to be held on July 4, in New York City. They adopted many resolutions, the principal features of which were opposition to consolidation or centralization of power in the general government, a denouncement of the civil act of reconstruction passed by congress as a violation of the honest compact

between the states, and a declaration that the effect of such act would be to deliver over ten states of the Union to negro political and social rule. The platform also declared in favor of taxing the government bonds, of paying certain of the bonds in the currency received by the government at the time they were issued, and of opposing "any plan extending the time of payment, thus increasing the amount of gold interest to more than the original principal, or any declaration of congress that the principal is payable in gold."

On January 22 a call for a convention to meet on May 13 was issued by the Republican state committee. The only business transacted was the election of eight delegates to the national convention, which was to assemble in Chicago on May 20, and four electors on the presidential ticket.

During the late summer of 1868, word reached St. Paul that the Red river settlement in the British possessions was in a famine-stricken condition. Of this colony of about fifteen thousand persons, a portion were engaged in farming and the remainder in buffalo hunting and fur trading. The farmers had been supplying the settlement with bread stuffs and vegetables, and the hunters had been furnishing dried meats. Both kinds of food failed this year. The disappearance of the buffalo the previous winter cut short the stock of meats, and the grasshoppers came in swarms and destroyed almost every vestige of the crops. In this emergency the nearest settlements on the Minnesota border, four hundred miles distant, were appealed to for aid. When the news of the distress reached St. Paul, the Chamber of Commerce issued a call for help and appointed a committee of five to see that all donations were promptly forwarded to the sufferers. A public meeting was called, and, upon motion of Governor Marshall, it was voted to purchase and forward ten thousand bushels of wheat, which was promptly done. Besides, liberal sums of money for the purchase of other necessities were donated by the citizens. This incident is mentioned as one showing the broad charity of the people of Minnesota. Six years before she had been compelled to ask for assistance in caring for the sufferers of the Sioux war. Now that peace and prosperity had again smiled upon her, she stood with open hand, ready to relieve the hunger and distress of others, even though beyond the borders of this country.

The election on November 3 resulted in a decisive victory for the Republican candidates. For president 71,614 votes were cast,

Grant receiving 43,542 and Seymour, 28,072. At this election the amendment expunging the word "white" from the constitution was adopted. This was the third time it had been submitted to the people; and, from the first, its adoption had been urged by Governor Marshall at the risk of his own political success. The opponents of the measure declared that its ratification was secured through trickery in placing the question upon the same ballot as that containing the names of the candidates, and not in proposing it as a separate issue upon its merits.

January 11, 1869 the eleventh annual session of the legislature met at St. Paul. At this session the question of the railroad bonds of 1858 again came up for consideration. Holders of the bonds had for some time been importuning the governor to secure some equitable adjustment of their claims. On the first of February all this correspondence was turned over to the assembly, with a special message advocating some action looking toward a final liquidation of the bonds. In this message Governor Marshall referred to the action of Michigan, in which a suspended debt, twice as great as that hanging over Minnesota, was satisfactorily adjusted. He also alluded to the act of Illinois in settling a claim of fifteen million dollars against the state, and quotes an Illinois official as saying:

"To the honor of that people be it said, notwithstanding the magnitude of the debt, and the manner in which it was contracted, the masses of the people rose up and said the debt should be paid and the honor of the state maintained. That action challenged the respect of the world, and from that period forward we entered upon a career of prosperity without a parallel in history."

To this Governor Marshall adds: "It is thus ever true that the invisible forces of public advancement and prosperity are on the side of public justice and inviolate public faith."

As one method of settling the claims, he recommended for this purpose the appropriation of five hundred thousand acres of the land granted by congress for internal improvements, as the proceeds derived from the sale of the lands would in time clear off the obligation without the necessity of a special tax levy. A bill, along the lines suggested by the governor's message, was passed, but it failed to become a law for lack of the governor's approval. It provided for the appointment of three special commissioners to divide five hundred thousand acres of land into parcels of forty acres each and to appraise each parcel separately, provided the total appraisement should be equal to the principal and interest of

the bonds on the first day of January, 1870. It also prescribed methods by which the lands should be applied to their specific use, as fixed by the bill, between the taking effect of the act and 1883.

Another attempt to remove the capitol from St. Paul, this time to some place in Kandiyohi county, was made at this session. Much to the surprise of nearly every one, the bill passed both houses by large majorities. No Joseph Rolette was in this assembly to pocket the enrolled bill and keep in seclusion until after the adjournment; but the friends of St. Paul were relieved when the governor vetoed it as premature and inexpedient, because of the great expense that would be entailed upon the state by the erection of new public buildings, etc. An effort was made to pass the bill over the veto, but the argument contained in Governor Marshall's message seems to have been convincing. On its first passage, but seven members of the house voted against it, and the vote was sustained. An amendment to the constitution by which Manomin county was to be abolished and the territory comprising it annexed to the county of Anoka, was proposed. Though probably not a necessary step, this amendment was adopted at the succeeding election, and the annexation was made the following year.

In the political campaign of 1869, candidates for all the state offices were nominated by three parties. The contest was opened by the Republicans in a convention at St. Paul on September 9, when Horace Austin, was nominated for governor; William H. Yale, for lieutenant governor; Hans Mattson, for secretary of state; Charles McIlrath, for auditor; Emil Munch, for treasurer; F. R. E. Cornell, for attorney general; C. G. Ripley, for chief justice, and Sherwood Hough, for clerk of the supreme court.

The convention adopted resolutions declaring that the complete triumph of the principles of liberty and equal and exact justice to all men, could only be attained by the adoption of the fifteenth amendment to the constitution of the United States; that the construction of the Northern Pacific railway was in the interests of all sections of the country and should therefore receive liberal aid from the United States; and that the naturalized citizens of the United States should be protected by the government while such citizens were in the land of their birth. All forms of repudiation of the national debt were denounced, and the state and Federal administrations were approved for their legislation and the honest enforcement of the laws.

There occurred in this convention an incident that recalled to

many the predictions of Governor Ramsey, ten years before, regarding the railroad bonds. A resolution as follows was introduced: "That the Republican party of the state insist that the five hundred thousand acres of land granted to the state for internal improvements be set apart for the liquidation of the Minnesota State Railroad bonds, and that they be held for that purpose; that when the holders of said bonds shall agree to take these lands and fully and finally surrender all the bonds to the state, said lands be made over to said holders, their assigns, or trustee, or trustees, as they may elect." Opposition to this resolution was at once developed, and the party was threatened with disruption. The resolution was finally laid on the table, and peace was restored.

September 23, the Democratic state convention met at St. Paul and nominated the following ticket: For governor, George L. Otis; lieutenant-governor, J. A. Wiswell; secretary of state, T. G. Fladeland; auditor, L. A. Evans; treasurer, Casper Baberich; attorney general, Seagrave Smith; chief justice, Charles E. Flandrau; clerk of the supreme court, W. T. Bonnivell. The platform adopted declared that it was the aim of the party to act independently of forms and theories which had lost their substance, and to appeal to the people upon the living issues of the present; that duties upon imports should be levied for revenue purposes only; that the public debt should be gradually reduced, payment being made in the lawful currency of the country; that the internal revenue system of taxation should be abandoned at the earliest possible moment; that, as a measure of equal rights to all, the bond holding wealth of the country should be taxed the same as the property of the poor man; that long possession of power by any party or faction begets corruption; and that it is the duty of the people to defeat the too frequent election of office-holders, thereby securing purity in the management of public affairs.

While the Republican convention had experienced trouble with the bond question, the Democrats found a bone of contention in a resolution to oppose the adoption of the fifteenth amendment. After a spirited debate, in which some sarcastic things were said, it was finally decided to ignore the subject altogether.

The third ticket was placed in the field by an organization calling itself the State Temperance party. This party had its inception in 1868, when its members tried to assume a neutral position and support the party that would declare in favor of temperance legislation. Failing to secure the incorporation of a temper-

ance declaration in either the Republican or Democratic platforms, they decided upon independent action. A convention was held at St. Paul, on October 6. Rev. Daniel Cobb was nominated for governor; John A. Stevens, for lieutenant-governor; J. H. Thompson, for secretary of state; J. C. Randolph, for auditor; Robert Stewart, for treasurer; J. H. Davidson, for attorney general; Edward O. Hamlin, for chief justice, and A. P. Connelly, for clerk of the supreme court.

It was declared in the platform that the traffic in intoxicating drinks impairs personal liberty and security; that it is a dishonor to Christian civilization; that it is a political wrong not capable of being licensed or restrained, and that its suppression is demanded. In addition to this question, which was made the dominant issue, the modification of the tariff and the enforcement of all Sunday laws were favored. Any disposition of the 500,000 acres of internal improvement lands was opposed until first submitted to a vote of the people.

All the Republican candidates were elected in November, the vote for governor being 27,348 for Austin, 25,401 for Otis, and 1,864 for Cobb. In the legislature there were 14 Republicans in the senate and 26 in the house, while the Democrats had 7 in the former and 21 in the latter.

Horace Austin, fifth state governor of Minnesota, was born at Canterbury, Conn., October 15, 1831. After acquiring such an education as the schools of his native town afforded, he studied law at Augusta, Me., where he was admitted to practice. In 1854 he went west to seek a location and decided in favor of St. Peter, Minn. Five years later he was married to Miss Lena Morrell of Manchester, Me. When the Sioux outbreak occurred in 1862, he rendered valuable aid in its suppression, and in 1863, as captain of a company of cavalry, was with Sibley in pursuit of Little Crow. The following year he was elected judge of the Sixth judicial district, and in 1869 was elected governor. He was re-elected in 1871 by a majority nearly eight times as large as that received at his first election. His message to the legislature and other official communications are regarded as wise state papers—the utterances of one fully versed in the science of statecraft. At the close of his second term, President Grant appointed him to an important position in the United States treasury department, where he served under Secretaries Bristow, Morrill and Sherman. After this he was connected with the Interior department for seven years, when he retired from the

public service and engaged in business, in later years becoming interested in the development of the Los Angeles, Cal., oil field.

The twelfth legislature was convened on the fourth of January, 1870. In his inaugural address Governor Austin made valuable suggestion relative to the disposition of swamp lands and the revision of the criminal code. At this session the fifteenth amendment to the constitution of the United States was adopted. A board of immigration to consist of five members, the governor, secretary, and treasurer of state to be members ex-officio and two electors to be appointed, was created.

February 20, Swift county was created from what was left of the old county of Pierce, and the latter became extinct. The county of Lac qui Parle was also discontinued and the territory annexed to other counties.* Monongalia county was consolidated with Kandiyohi on the seventh of March, and Noah W. White, J. H. Gates and Andrew Railson were named as commissioners of the new county of Kandiyohi thus formed.

Towns and townships were given the power to decide for themselves on the question of granting license to saloons. Ten or more legal voters could petition at any time, not less than three days before an election, for the question of license to be submitted to a vote. Whenever a majority of the voters should decide against license, the county commissioners were prohibited from granting license in that town or township.

In the organization of the territory, two townships of land were granted for the support of a university. By the enabling act of February 26, 1857, two townships of land were granted for the benefit of a "state" university. The state authorities made the claim that the two acts conferred a grant of four townships, inasmuch as no "state" university could have existed during the territorial regime. After some controversy, congress passed an act, July 8, 1870, authorizing the commissioners of the general land office to recognize Minnesota's claim. A bill to the same effect was introduced in the congress of 1868, but it did not pass. At that time the debts of the university amounted to one hundred and twenty-five thousand dollars, but were soon afterward paid with the funds derived from the sale of 14,000 acres of the old territorial grant. In 1869 upward of 8,000 acres more were sold and the proceeds invested as a permanent fund. In 1870 this fund was increased to one hundred and sixteen thousand dollars, in round numbers, and the passage of the act doubling the land

*Another county of the same name was created and organized March 6, 1871.

grant placed the institution on a solid foundation. The precedent established in the case of Minnesota, has since been followed in the admission of new states, each receiving four townships for a university.

United States Senator D. S. Norton died July 14, 1870, and two days later Governor Austin appointed William Windom to fill the vacancy.

During the year the railroad mileage passed the 1,000 mile mark, reports from twelve companies showing 1,096 miles in operation at the close of the year.

In his message to the thirteenth legislature, January 4, 1871, Governor Austin recommended, as a matter of economy in both time and money, the election of state officers at the same time congressional elections were held. He also recommended a convention to draft a new constitution better suited to the demands of the state than that of 1857, which had been outgrown by thirteen years of progress. Among the suggestions he made for a new constitution were that it should prohibit special or local legislation, prevent the granting of any special or exclusive privilege to any person, association or corporation, restrict municipal indebtedness, prevent the incurring of municipal indebtedness in aid of any railroad or private corporation, and abolish the grand jury system and limit local taxation.

The five hundred thousand acres of internal improvement lands that had been secured to the state by Governor Marshall, were apportioned by this legislature to several railroad corporations. Governor Austin vetoed the measure, which proceeding led to an amendment to the constitution, providing that any proposition disposing of these lands or any sum arising from their sale must first be submitted to a vote of the people.

Another effort to settle the question of the Minnesota state railroad bonds was made at this session. An act authorizing a compromise with the holders of the bonds was passed, and, in accordance with the constitutional amendment of 1860, was submitted to the people at a special election on the eighth of May. At this election a very light vote was polled. No returns were received from twenty-one counties. The vote in favor of the compromise was 9,293 and against it 21,499. O. P. Stearns was elected United States senator to fill out the remainder of the term of Senator Norton, deceased, and William Windom was elected for the full term of six years, beginning March 4, 1871. A new apportionment of members of the legislature by which the num-

ber of senators was increased to forty-one and the number of representatives, to one hundred and six, was made this session.

On September 13 the Democrats met in convention at St. Paul and nominated candidates for the various state offices. Winthrop Young was nominated for governor; D. L. Buell, for lieutenant-governor; Erick N. Falk, for secretary of state; Barney Vosburg, for state treasurer; John L. McDonald, for attorney-general; and Daniel Buck and William Mitchell, for associate justices of the supreme court. They adopted resolutions declaring adherence to the principles of Jefferson, denouncing the Republican national administration for its corruption, censuring the state for failure to enforce the laws relating to corporations, insisting that the necessities of life (a number of which were enumerated) should be free from exorbitant charges and favoring legislation to protect the people from exorbitant charges by railroads.

Just a week later the Republicans held their convention in the same city. Governor Austin and Lieutenant-Governor Yale were both renominated, and the rest of the ticket was made up as follows: S. P. Jennison, secretary of state; William Seeger, state treasurer; F. R. E. Cornell, attorney general; and S. J. R. McMilland and John M. Berry, justices of the supreme court. Indirect taxation was declared to be preferable to direct; and, for this reason, duties on imports and the opening to settlements of the internal improvement lands were favored.

On October 13 the Temperance people met in a mass convention. Undismayed by the light vote of two years before, they nominated a ticket with as much enthusiasm as though victory were certain. That ticket was made up as follows: For governor, Abner Lewis; lieutenant-governor, W. A. Bentley; secretary of state, J. Guilford; treasurer, William L. Mentzel; attorney-general, U. F. Sargent; justices of the supreme court, E. O. Hamlin and A. P. Jewell. Judge Lewis declined the nomination for governor, and the name of Samuel Mayall was substituted by the state central committee. As in their previous platform, they made the liquor question the vital issue, though this year a resolution in favor of extending the elective franchise to women was adopted.

The vote for governor at the election, on the third of November stood, Austin, 45,833; Young, 30,092; Mayall, 846. All of the candidates on the Republican ticket were elected by similar pluralities. Two amendments to the constitution were voted on: One, prohibiting the legislature from removing the tax on the gross earnings of railroads, was adopted by a vote of 41,814 to

9,215; the other, allowing an increase of two hundred and fifty thousand dollars in the state debt limit, so that bonds could be issued for buildings at the state prison, deaf and dumb asylum, etc., was defeated, 40,797 votes being cast against it, to 6,742 in its favor.

During the year 1871, great progress in building the Northern Pacific railway was made. The company purchased the St. Paul and Pacific lines in 1868, and by the construction of branches had about 500 miles of road in operation in Minnesota at the close of 1871.

Governor Austin's second administration began with the assembling of the fourteenth legislature, January 2, 1872. In his message to the legislature, he recommended several amendments to the constitution. Buildings for public institutions had been begun, but remained in an unfinished condition for want of funds. While a limitation of the public debt was a wise provision of the constitution, Governor Austin insisted that it was poor policy to be bound by this restriction, thus allowing buildings to remain incomplete until they fell to decay, when their completion was a necessity for the relief of crowded institutions. Convinced by his logic, the assembly again submitted an amendment to the people, this time specifying that the increase in the debt limit was for the express benefit of the state prison, insane hospital, and the asylum for the deaf, dumb and blind.

Three other amendments were also proposed: The first fixed the liabilities of stockholders in manufacturing corporations at the amount of their stock; the second prohibited counties from issuing bonds in aid of railroads to the amount of more than ten per cent of the value of taxable property in such county;* and the third authorized the sale of internal improvement lands in the same manner as school lands, no appropriation of the proceeds to be made until approved by popular vote.

A Republican convention at Minneapolis on the 8th of May nominated O. P. Whitcomb for state auditor, Sherwood Hough for clerk of the supreme court, and presidential electors. Delegates to the national convention were selected, and a platform endorsing the acts of the Republican party, denouncing the Ku Klux outrages in the South, and instructing the delegates to cast their votes for the renomination of Grant and Colfax for president and vice-president was adopted.

On the nineteenth of June, the Democrats met at St. Paul, and

*This limit was reduced to five per cent by the constitutional amendment of 1879.

named ten delegates to the national convention to be held at Baltimore, Md., on the ninth of July. No nominations for state officers were made, and no platform except a single resolution endorsing the platform of the Liberal Republican convention held at Cincinnati in May was adopted. The delegates to the Baltimore convention were instructed to "use all honorable endeavors to confirm the nominees of the Cincinnati convention for president and vice-president."

Two conventions, one by the Liberal Republicans and one by the Democrats, were held at St. Paul on the second of September. They had been called for the same date, in the hope of forming a coalition in the selection of presidential electors. Members of a conference committee were chosen, and this committee not only agreed upon the candidates for electors, but recommended the nomination of Albert Scheffer for state auditor and James George for clerk of the supreme court. After some discussion the report of the committee was adopted in both conventions.

On November 5, came the election. The Republican presidential ticket, Grant and Wilson, received 55,709 and the Democratic and Liberal Republican candidates, Greeley and Brown, received 35,211. The Republicans also elected the auditor and clerk of the supreme court and more than two-thirds of the members of the legislature. All the constitutional amendments proposed by the legislature were ratified.

In his message to the legislature of 1873, Governor Austin referred to the action of the State of Wisconsin in opposing the improvement of the harbor at Duluth. That city had, with the approval of the war department, expended a liberal sum of money in the construction of a canal and dike; but had been opposed at every step by the State of Wisconsin, the opposition finally culminating in a lawsuit and the question being carried to the supreme court of the United States.

Following the suggestions of the governor, both houses passed a resolution authorizing the governor to take the necessary steps to protect the interests of Minnesota in any action relating to the harbor system; to command the services of the attorney-general; and to employ, in addition, such other legal counsel as he might deem necessary. An appropriation of ten thousand dollars to defray the expenses of the litigation was made. The improvements defended by this resolution and afterward completed, gave Duluth one of the finest harbors on the great lakes, and made that city an important port in lake commerce.

Quite a sensation was caused by the impeachment proceedings

instituted against William Seeger, the state treasurer. On the first of February, the senate passed a resolution asking for the appointment of a committee to investigate and ascertain whether "the surplus funds reported in the governor's message are in the vaults of the state treasury at the Capitol, or loaned to banks or individuals, and, if so loaned, at what rate of interest, and whether said interest is paid into the state treasury, and if not, to whom," etc.

On the same day the house asked the treasurer for his report. To this request he replied that the manuscript of his report had been placed in the hands of the printer, and that it would be ready for distribution in a few days. Toward the close of the month, the senate committee reported that the state funds were not in the place required by law. The report also voiced the disapproval of the committee regarding the manner which the treasurer had assumed during the examination, and recommended legislation to protect the state funds.

The house of representatives went still further. On February 27 a resolution censuring the treasurer for being flagrantly neglectful of his official duty was adopted. Another resolution requesting the treasurer immediately to tender his resignation to the governor was adopted by the same body. This Mr. Seeger declined to do, claiming that such an action would stigmatize his administration of the treasury, and insisting that he was ready to meet any inquiry touching his official conduct. He acknowledged that a deficit existed at the time he took charge of the office, but asserted that it had been made good during the first year of his term.

As soon as the treasurer's communication was read, a member offered a resolution "That William Seeger, treasurer of Minnesota, be impeached for corrupt conduct in office and for crimes and misdemeanors." After some debate this resolution was adopted, more than two thirds of the members of the house voting in the affirmative.

A committee of five was then appointed by the house, to go to the senate, "and at the bar thereof, in the name of the House of Representatives, and of all the people of Minnesota, to impeach William Seeger, Treasurer of the State of Minnesota, of corrupt conduct, and of crimes and misdemeanors in office, and to acquaint the Senate that the House of Representatives would in due time exhibit particular articles of impeachment against him and make good the same."

A committee of five from the house then drew up articles of

impeachment to sustain the charges, which had been accepted by the senate, and May 20 was fixed for the trial. March 18, the treasurer offered his resignation to the governor, to take effect on the first of April. Governor Austin accepted the resignation, and, when the senate met in May to try the impeachment case, Mr. Seeger failed to appear. He was found guilty, however, and declared removed from the office of treasurer of state.

January, 1873, will long be remembered in Minnesota on account of the great snow storm. For more than two days the snow fell incessantly, accompanied by a cold biting wind that rendered it unsafe to venture far from shelter. Many caught by the "blizzard" in the open country were frozen to death, more than a hundred such casualties being reported. Hundreds of domestic animals also perished in the storm.

An act of congress, approved March 3, 1873, provided for the removal of the Pembina band of Chippewas to the White Earth reservation. Some years later Special Agent Luce selected township 144 north, in range 42 west, as a home for this band, and they were given possession of that township in 1883.

On July 16, the Republicans met in convention at St. Paul and nominated Cushman K. Davis for governor; Alphonse Barto for lieutenant governor; S. P. Jennison for secretary of state; M. Grinager for treasurer, and George P. Wilson for attorney general. They adopted resolutions declaring the Republican party to be the party of progress and reform; demanding cheaper rates of transportation; favoring legislation regulating railroad tolls, freights and charges; endorsing the action of congress in the Credit Mobilier affairs, and approving Governor Austin's administration.

About this time the "Patrons of Husbandry," a farmers' organization, better known as the "Grange Movement," became very popular throughout the agricultural districts of the West. Granges were organized in nearly every township, and co-operative stores were opened in many towns. The object was to deal directly with the manufacturer, thus saving to the farmers the profits of the jobber and the retailer, both of whom were called middle men.

Although one of the cardinal principles of this society was to let politics alone, there is little doubt that it was at least indirectly responsible for the formation of the Anti-Monopoly party in Minnesota, by a convention at Owatonna on the second of September. At this convention Ara Barton was nominated for governor; Ebenezer Ayers, for lieutenant-governor; J. H.

Stevens, for secretary of state; E. W. Dike, for treasurer; and W. H. Clough, for attorney-general. On September 24 the Democrats and Liberal Republicans met in convention at St. Paul and after some discussion adopted a resolution calling upon the people to support the nominees of the Owatonna convention. A short platform, the chief features of which were declarations in favor of a revenue tariff, an early return to specie payments, and an honest administration of both state and national governments, was adopted.

All the Republican candidates with the exception of state treasurer, were elected, the Anti-Monopoly candidate for this office being successful by a small majority. For governor, Davis received 40,741 votes to 35,245 cast for Barton, the Democratic candidate.

Cushman K. Davis, sixth governor of the state, was born at Henderson, Jefferson county, N. Y., June 13, 1838. While he was still in his infancy, his parents removed to Waukesha, Wis., where he grew to manhood. After a three year's course in Carroll college, he entered the senior class in the university of Michigan and was graduated from that institution when he was nineteen years of age. He then studied law with Alexander W. Randall, of Waukesha and, after his admission to the bar, practiced there until the breaking out of the Civil war, when he enlisted as first lieutenant in the Twenty-eighth Wisconsin infantry. Later he served for a time on the staff of General Gorman. In 1864 he resigned on account of ill health, and, in the fall of the same year, settled in St. Paul, where he resumed the practice of law. In 1866 he was elected to the state legislature, and, during Grant's first administration, was United States district attorney for Minnesota. In 1873 he was elected governor. Declining a second term two years later, he devoted most of his time to his clientage until elected to the United States senate in 1887. In the senate he served on some of the most important committees, notably the committee on foreign relations. The pension law of 1893 was drafted by him, and he was the author of the resolution annexing Hawaii to the United States. In 1898 he was one of the peace commissioners to negotiate the treaty with Spain, which was finally signed at Paris on the tenth of December. About a year before his election, the university of Michigan conferred upon him the degree of LL. D. He was twice re-elected to the senate, and was serving his third term, when his death occurred at his home in St. Paul, November 27, 1900.

In his inaugural address, January 9, 1874, Governor Davis devoted considerable attention to the tendency of railroads to charge exorbitant rates for the transmission of freights, particularly grain. Among other things, relating to this question, he said: "In September, 1873, when a wheat crop of unexpected abundance was overcrowding the means of transportation, when there was every reason why there should be a reduction instead of an advance in rates, the Milwaukee and St. Paul railway company, and the Chicago and Northwestern railway company simultaneously imposed upon our wheat crop a tax of three cents per bushel, by an advance of that amount in charges. If any administration should commit such an act as this in performing the functions of taxation, it would be deposed by an indignant constituency. No less deserving of condemnation is the policy of the companies in regard to freights which are wholly within the state."

Governor Davis' arraignment of the railroad companies struck a popular chord. The legislature passed an act creating a board of railroad commissioners, which was empowered to make for each railroad in the state, not later than August 1, 1874, a schedule of reasonable maximum rates for the transmission of freight and passengers. The commission was also authorized to employ experts to examine the books and records of the railroad companies; to issue subpoenas for witness, and to institute proceedings in the courts for violations of the law. In all such actions they were to have the advice and assistance of the attorney-general. The governor appointed ex-Governor Marshall, John A. Randall and A. J. Edgerton as the commissioners, and the work was begun.

The principal causes of complaint against the railroad companies were, to quote Governor Davis, "Exorbitant charges; discrimination against, and in favor of, localities; an arbitrary raising of rates; and general defiance of state control by the companies."

An effort to control the situation had been made by the legislature of 1871. A law fixing rates and decreeing that all charges for similar services must be uniform was passed. This law was ignored by the railroad companies, and a test case against the Winona and St. Peter railroad company was instituted, the chief object being to establish the right of the state to control the acts of corporations within the state limits. In the lower court, the case was decided in favor of the company; but an appeal was immediately taken to the supreme court of the state, where the

decision was reversed. It was now the company's turn to appeal and the case was carried to the supreme court of the United States.

About the time that Governor Davis appointed the railroad commissioners, a decision in this case to the effect that the power of the states to regulate and control the railroad companies in the matters at issue is unquestioned, was reached by the United States supreme court. This decision greatly facilitated the work of the commission. The court of last resort had decided in favor of the state, and the mandate must be obeyed. In fixing rates, however, the commissioners were actuated by a spirit of fairness, and the companies had no just reason for finding fault. With the settlement of the question, which was due in great measure to the firm stand and intelligent direction of Governor Davis, the wheat growers of Minnesota were given an opportunity to market their product on equal terms with those of other localities.

Early in September a convention of Republicans assembled at Minneapolis and renominated S. J. R. McMillan for chief justice of the supreme court. They adopted a platform which favored the protection of citizens, north and south; the preservation of the public faith; a speedy reduction of the public debt; an early resumption of specie payments; a sound currency as against any policy of inflation; and increased vigilance in hunting out and exposing to public condemnation delinquent officials. Governor Davis' action, with regard to the prosecution of persons charged with defrauding the school fund, was approved.

On September 23, the Democratic state convention met at St. Paul. Wescott Wilkin was nominated for chief justice. They adopted a declaration of principles, in which it was asserted that the occasion for the Republican party was past, and that it had formed an alliance with organized monopolies to perpetuate its existence. Carpet-bag government in the South was denounced, and a just and impartial policy toward that section of the country was demanded. Home rule, a tariff for revenue, and a free press were favored, and centralization, gag laws and the private use of public funds by public officers were denounced.

It was also resolved "that the startling exposures of corruption in the offices of state treasurer and auditor, concealed through so many years of Republican administration, cause just alarm to all good citizens, and demonstrate anew the impossibility of reform within the Republican organization."

This resolution was actuated by the charges preferred early in the year against State Auditor McIlrath, who had held that

office since 1864. By virtue of his office as auditor, he was commissioner of the state land office, and had general oversight of the state lands held for the benefit of the public schools, for the state institutions and for internal improvements. Under the law the sale of timber from these lands was permitted, the money thus received to be turned into the state treasury. In the charges against McIlrath, it was alleged that he not only had neglected to collect all due the state on these timber transactions, but had failed to pay into the treasury the funds he had collected.

A committee of three was appointed by the legislature in February, to investigate the charges and report to the governor. The report of this committee was made on the 4th of September. It set forth that the auditor had received, in round numbers, seventy-seven thousand dollars more than had been paid into the treasury, and that, in the management of stumpage contracts in Hennepin and Kandiyohi counties, there was a deficit of some twelve thousand five hundred dollars.* The report also stated that no authentic record of the proceedings could be found, some memoranda on loose leaves being the only data upon which to base their report, and that the deficit was probably greater than that reported.

Governor Davis instructed the attorney-general to bring suit to recover the defalcation. An inquiry as to what recourse the state had in the premises developed the fact that, at the time of his last election, no bond had been exacted from the auditor, and there were no sureties against whom to bring suit.

Judge McMillan was re-elected in November, receiving 51,607 votes, as against 41,115 for his opponent. Under the census of 1870, Minnesota was given three congressmen instead of two. The state was divided into three districts, and, at this election, Mark H. Dunnell was elected in the first district, Horace B. Strait, in the second, and William S. King, in the third. Two amendments to the constitution were ratified: One relating to the taxation of railroad companies, and one concerning the disposal of school lands.

When the seventeenth legislative assembly met, in January, 1875, the Minnesota state railroad bonds were again brought to the front. In his message to that assembly, Governor Davis urged that some action that would lead to a final settlement of the question should be taken. After a thorough review of the whole matter he said: "This subject has been a topic

*The exact shortage reported by the committee in these two counties was \$89,559.17.

of reproach by our creditors, and recrimination, excuse and defense by many of our citizens for more than fifteen years."

The subject was freely discussed by the legislators, but nothing definite was done. Propositions to pay the bonds had been ingloriously defeated by the votes of the people in 1871, and some members of former legislatures, who had advocated their payments, had been consigned to political oblivion. With these examples before them, the legislature hesitated to bring the question again before the people.

In February, Judge McMillan, of the supreme court, was elected after a long contest, to the senate of the United States, to succeed ex-Governor Ramsey, and James Gilfillan became chief justice.

In May a call for a state reform convention to meet at St. Paul on June 16 was issued. This call asseverated that the time for the formation of a new political party to adjust the relations between capital and labor, for the suppression of the liquor traffic, and for the inauguration of an honest administration of government, was opportune. When the convention met, they adopted a platform, in the preamble of which it was declared that "History teaches that corrupt political parties are never reformed, but that they must die." Salaries for state officers instead of the fee system were advocated; a sound national currency that should be convertible into gold or silver was demanded; licenses to deal in liquors were denounced as a tax upon shame, sorrow and crime; and the people were solicited to support the nominees of the Reform party. A full ticket as follows was nominated: For governor, R. F. Humiston; lieutenant-governor, J. B. Tuttle; secretary of state, John H. Stevens; treasurer, H. D. Brown; auditor, A. B. Hutchison; attorney-general, C. M. McCarthy; chief justice, Sherman Page.

On July 7, the Democrats met at St. Paul and nominated D. L. Buell for governor; E. W. Durant for lieutenant-governor; Adolphus Bierman for secretary of state; Michael Doran for auditor; Albert Scheffer for treasurer; R. A. Jones for attorney-general and L. Emmett for justice. A great era, it was declared, was closed in politics by the adoption of the fourteenth, fifteenth and sixteenth amendments to the Federal constitution. Politics, therefore, must turn to questions of the living present, not to those of the settled and final past. Uniform excise laws were favored, as was, also, legislation to prevent the private use of public funds.

On the twenty-eighth of July the Republicans held their state convention at St. Paul. John S. Pillsbury was nominated for governor; John B. Wakefield, for lieutenant-governor; John S. Irgens, for secretary of state; O. P. Whitcomb, for auditor; William Pfaender for treasurer and George P. Wilson for attorney general. No formal nomination was made for chief justice, but a resolution favoring the election of James Gilfillan, "the present incumbent," was adopted. Resolutions favoring a return to specie payments, recommending a tariff for revenue, but so adjusted as to be the least burdensome and most favorable to home industry, and declaring that "all railway and other corporations must be held in fair and just subjection to the law making power, constitutionally exercised," were duly adopted.

At the election Pillsbury received 46,175 votes; Buell, 35,373, and Humiston, 1,669. Amendments to the constitution, concerning judicial districts and the investment of school land funds, and extending to women the power to vote for school officers, were ratified.

As early as 1873 the Rocky Mountain locusts (a species of grasshopper) made their appearance in the western counties of the state. A large number of the pests appeared the next year, and in 1875 the plague reached the climax. Fields were denuded, and the loss of crops reduced many hopeful but struggling farmers to a state of penury. Bounties were offered by some of the counties for the destruction of the insects, and hundreds of bushels were caught and buried by direction of the authorities. In speaking some time afterward, of the ravages of the locusts, Governor Davis said: "It was not long before the question of subsistence pressed for immediate solution. I was clearly of the opinion that it was of controlling importance to sustain these people and prevent an exodus from the state which would have drawn back the line of our frontier over a hundred miles and made each member of an exiled population a herald of our afflictions. I accordingly appealed to the public for aid. In this way thousands of dollars were raised and the money expended through local committees of the afflicted regions."

Not only did Governor Davis appeal to the charity of the people, but he inaugurated a systematic warfare upon the grasshoppers. He appointed John C. Wise, of Mankato, Warren Smith, of Graham Lake, and Allen Whitman, of St. Paul, to investigate the incursions of the insects and report on their origin, the time of their arrival and departure, the time of depositing their eggs,

and the time of hatching, the character of the land where the eggs were deposited, and the best possible means of destroying them, what grains, if any, were exempt from their devastations, and any other information that would enable the state to get rid of the pests.

Governor Pillsbury continued the work that was thus so well begun. Other states suffered as well as Minnesota, and it was largely due to the work and influence of Governor Pillsbury that a convention of governors and scientists was called at Omaha, Neb., in October, 1876, to consider some plan of acting in concert for the extermination of the grasshoppers. The plan he proposed at that convention was adopted, and resulted in finally reducing the destruction to a minimum.*

*For a full account of the convention see the history of Nebraska.

CHAPTER V

From Pillsbury to Merriam

JOHN SARGENT PILLSBURY, the seventh governor of the state, was born at Sutton, Merrimac county, N. H., on the twenty-ninth of July, 1828. His education was acquired mainly in the public schools of his native town. At the age of twenty-one he formed a partnership with Walter Harrimon in the mercantile business. It is a singular coincidence that the two young men constituting this firm were both elected to the office of governor,—Harrimon of New Hampshire and Pillsbury of Minnesota. In 1855 he located at St. Anthony, established a hardware store, and soon became one of the leading merchants about the Falls. For thirteen years he represented Hennepin county in the state senate, and in 1876 was elected governor. He was twice re-elected, being the only man to hold that office for three successive terms. His last administration is marked by the final settlement of the railroad bonds, the failure to do which had been for over twenty years a blot on Minnesota's escutcheon. While serving as one of the regents of the state university, some years before being elected governor, he saved that institution from ruin, when its friends were ready to sacrifice its land grant to pay its debts. Later he gave one hundred fifty thousand dollars to the university. For his unselfish and patriotic services and his generous benefactions, he has been called the "Father of the University." Pillsbury Hall of Science was named in his honor. Throughout his entire political career, he held an interest in several great business enterprises, being one of the founders of the well-known milling firm of C. A. Pillsbury & Co., and being also connected with the Pillsbury-Washburn Milling Company. His whole life was distinguished by his munificent and magnificent donations to religion,

charity and education. Besides his generous gift to the university, he built and presented a town hall to his native town of Sutton in 1893; in honor of his wife, he gave one hundred thousand dollars as a Christmas present in 1899, to the Home for children and aged women; in 1900 he presented a handsome library building to East Minneapolis, and in 1901 gave to the city of Minneapolis a Girls' Home. By a special act of the legislature he was made a regent of the university for life. He died October 18, 1901.

The eighteenth annual session of the legislature was convened on the fourth of January, 1876, and on the seventh Governor Pillsbury was inaugurated. But few facts of general importance were passed during the session. Not many events out of the ordinary occurred during the year, the presidential campaign engrossing the public attention.

State conventions were held by the Republicans, May 24, by the Democrats June 1, and by the Prohibitionists June 7. Delegates were selected on these occasions to the national conventions of the respective parties, and presidential electors nominated. The platform adopted simply reiterated the well established party principles, the only innovations being a resolution by the Republican convention endorsing James G. Blaine for president, and one by the Prohibitionists demanding a repeal of the resumption act passed by congress in January, 1875.

At the election, November 7, the entire Republican ticket was elected. For president, Hayes received 72,962 votes; Tilden, 48,799; Cooper, 2,389, and Smith, 144. Peter Cooper was the candidate of the Independent, or Greenback party, and Green Clay Smith of the Prohibitionists. Three amendments to the constitution were voted upon at this election. One giving the governor power to veto objectionable sections of the appropriation bills without vetoing the whole bill, was adopted by a vote of 47,302 to 4,426. A second amendment provided that whenever all or a majority of the judges of the supreme court might from any cause become disqualified, the governor should assign district judges to hear and decide cases, the district judges thus appointed to have all the power of the regularly elected justices of the supreme court. This amendment was ratified by a vote of 41,069 to 6,063. The third, relating to the liability of stockholders in corporations, was rejected by the majority of 1,082 in a total vote of 44,524.

On the seventh of September eight desperadoes suddenly appeared in the little town of Northfield, in Rice county, and

attempted to rob a bank. Mr. Haywood, the cashier, offered resistance and was instantly killed. The report of a pistol in the bank attracted attention; men dropped their business, armed themselves and hurried to the scene of the trouble. In an exchange of shots one of the robbers was killed, and the rest fled toward the south, shooting a Swede who tried to stop them in their flight. Telegrams were sent to different points to head them off, and in the few hours almost every road between North-field and the southern border of the state was guarded by armed citizens waiting for the outlaws. Behind was a posse of indignant men in close pursuit. Before the bandits could reach the Iowa line, two more of the gang were killed and three captured. Two succeeded in making their escape. Those captured proved to be the three Younger brothers, members of an organized band that for some time past had been operating in Missouri; and it has always been believed by many that the two who escaped were the notorious James boys, though this has recently been emphatically denied by Cole Younger. The three captives were arraigned on a charge of murder, pleaded guilty, and were sentenced to imprisonment for life, because, in Minnesota, the death penalty can only be inflicted by a jury.

From the beginning of his administration, Governor Pillsbury appealed to the honor of the people of Minnesota to make some satisfactory disposition of the state railroad bonds. The legislature of 1876 refused to take any action, further than to appoint a committee, composed of members of each house, to investigate the status of the bonds and report. This committee reported that the state was neither morally nor legally bound for their payment. But the nineteenth legislature, which met in January, 1877, took a different view. Early in the session they passed a bill providing for an issue of six per cent bonds, payable in twenty and thirty years, to be used in refunding the railroad bonds, which, with accumulated interest, amounted to nearly eight million dollars. Later, the bill passed and was approved by the governor. It was submitted to the people at a special election in June. At the election 17,324 affirmative votes were cast, and 59,176 were recorded against the proposal.

Immediately following this rejection came the campaign for the election of state officers. The officers elected in 1875 were all renominated by a Republican convention, which met at St. Paul on the twenty-seventh of September. They adopted a platform endorsing the administration of President Hayes, commending the financial policy "by which the national currency is steadily

and surely approaching the gold standard," declaring that bonds issued prior to the act of February 12, 1873, were rightfully payable in gold or silver coin as the government might elect, and favoring the remonetization of silver. On state issues they passed resolutions demanding that all measures proposed for the settlement of the railroad bonds should be submitted to the voters at a general election only, endorsing Governor Pillsbury's course, and recommending that legislative aid be given to those suffering from the effects of the grasshopper scourge.

On October 2 the Democratic convention was held in St. Paul, and the following ticket nominated: For governor, William Banning; lieutenant governor, L. L. Ames; attorney general, John R. Jones; secretary of state, P. T. Lindholm; treasurer, John T. Meagher.*

The platform denounced the work of the electoral commission as a fraud and crime and accused the Republican party of acting in the interest of capital as against labor, by making the public debt payable in coin. It arraigned the Republicans for maintaining a war tariff in time of peace, for wanton extravagance, for demonetizing silver, and for the passage of the resumption act.

On September 11, the Prohibitionists met at St. Paul and nominated A. Willey for governor; P. A. Jewell for lieutenant governor; M. T. Anderson for secretary of state, and J. E. Child for attorney general. Besides the usual declarations respecting the liquor traffic, the platform declared in favor of the resumption of specie payment and the remonetization of silver.

Pillsbury received 57,071 votes; Banning 39,140, and Willey 1,431. Amendments to the constitution, providing for biennial sessions of the legislature, the election of an entire new set of state senators and representatives in 1878, and a state board of canvassers of election returns, were ratified. The appropriation of public school funds to the use of private or sectarian schools, was prohibited. An amendment giving women the right to vote on the question of granting licenses to saloons was rejected.

In his message to the legislature of 1878, Governor Pillsbury, in referring to the importance of making some settlement of the railroad bonds, said: "The measure proposed for this purpose by the last legislature and submitted to the people in June last, was rejected, as you are aware, by an overwhelming popu-

*Ex-Gov. W. R. Marshall was nominated for railroad commissioner by the Republicans and H. W. Hill by the Democrats.

lar vote. This resulted, I am persuaded, from a prevalent misapprehension respecting the real nature and provisions of the proposed plan of adjustment. I should be sorry, indeed, to be forced to the conviction that the people by this act intended other than their disapproval of the particular plan of settlement submitted to them. . . . Assuming, therefore, as I gladly do, that the vote of the people indicated a purpose not to repudiate the debt itself, but simply to condemn the proposed plan for its payment, I should be happy to co-operate in any practicable measure looking to an honorable and final adjustment of this vexed question."

An act providing for the exchange of 500,000 acres of the internal improvement lands for the outstanding bonds and coupons, was passed, but it was defeated at the general election in November by a vote of 45,669 to 26,311.

John M. Berry was nominated for associate justice of the supreme court by the Republican convention at St. Paul on September 4, and at the same time Samuel H. Nichols was nominated for state auditor.

The next day the Democrats met at the same place, nominated William Mitchell for associate justice, Dillon O'Brien for clerk of the supreme court, and Mahlon M. Black for auditor. Judge Berry was elected by more than thirty thousand majority and the other candidates by about twenty thousand.

A little while after seven o'clock on the evening of May 2, 1878, the people of Minneapolis were startled by a terrific explosion, followed immediately afterward by two others. The shock was felt all over the city, and it soon became known that the first explosion had completely wrecked the great flour mill known as the Washburn "A," and that the two succeeding explosions had destroyed two others near by. Fire broke out, and, before the flames could be checked, three other mills in the vicinity were reduced to a mass of smoking ruins. Eighteen lives were lost in the explosion, and thousands of dollar's worth of property were utterly destroyed. The mills were quickly rebuilt, and the new ones were equipped with modern appliances for the prevention of dust accumulations, thus rendering a recurrence of the casualty next to impossible.

Complaints having been made regarding the methods of weighing wheat, the legislature of 1879 established a standard of weights and measures and passed an act creating the Farmers' Board of Trade to look after the agricultural interests of the state. One reputable farmer, not an incumbent of any public

office, nor connected with any company interested in the buying or selling of produce, was to be appointed from each judicial district, by the judge of the district, and the farmers thus appointed constituted the board of trade. They were "to assume and exercise a constant supervision over the agricultural interests of the state, and to report to the legislature such facts, statistics and suggestions as in their judgment may be necessary to induce legislation for the protection and welfare of the entire agricultural interests."

On the third of March, by order of President Hayes, two small, triangular-shaped tracts of land were added to the White Earth Indian reservation for the benefit of the Pembina band of Chippewas. These Indians never occupied the lands thus assigned, and, in July, 1883, the two additions were restored to the public domain.

As the time approached for the election of state officers, there was some discussion as to the propriety of again nominating Governor Pillsbury. Third terms, as a rule, are not popular with American electors; but Governor Pillsbury's administration had been so satisfactory that, when the Republican state convention met at St. Paul, on September 3, he again became the standard bearer of his party. The rest of the ticket nominated by the convention was as follows: Lieutenant governor, Charles A. Gilman; secretary of state, Fred von Baumbach; treasurer, George Kittleson; attorney general, Charles M. Start; railroad commissioner, W. R. Marshall. The platform expressed a desire for friendly relations with the people of the Southern states; favored a reduction in tariff duties on certain articles; and thanked the United States senators from Minnesota for securing an appropriation for the improvement of the Mississippi river.

The Democratic state convention met at St. Paul September 26, and nominated Edmund Rice, Sr., for governor; E. P. Barnum for lieutenant governor; Felix A. Borer for secretary of state; Lyman E. Cowdery for treasurer; P. M. Babcock for attorney general, and William Colville for railroad commissioner. The platform favored the "speedy establishment of free trade as the permanent commercial policy of this country." Gold and silver coins were declared to be the money of the constitution, and the remonetization and the free coinage of the latter were demanded. A free ballot and an honest count of votes were also demanded, a civil service law was recommended, and the state administration was denounced as cowardly and extravagant.

Two conventions were held on the tenth of June: The Pro-

hibitionists in Minneapolis, and the Greenbackers in St. Paul. The former nominated W. W. Satterlee for governor; A. B. Williams for lieutenant governor; I. C. Stearns for secretary; H. I. Brown for treasurer, and A. W. Bangs for attorney general. The platform contained but two resolutions: One declaring that they would follow the policy already marked out by the Prohibition party, and the other inviting the citizens to join in the Prohibition movement. The Greenback ticket was made up as follows: For governor, Ara Barton; lieutenant governor, William McGhen; secretary of state, A. P. Lane; treasurer, Andrew Nelson; attorney general, William L. Kelley; railroad commissioner, Ebenezer Ayers. What the Prohibition platform lacked in length was fully made up by that of the Greenbackers. They adopted nineteen resolutions, in which the repeal of the resumption act and the act of 1869 "falsely entitled 'an act to strengthen the public credit,'" was demanded; the free and unrestricted coinage of silver was favored; class legislation, the contraction of the currency, and the national banking system were opposed; and the passage of a law prohibiting child labor in shops and factories was demanded. At the election, November 4, Pillsbury received 55,918 votes; Rice, 41,583; Satterlee, 2,868; Barton, 4,264. The whole Republican ticket was elected by a similar vote.

According to the census of 1880 the population of the state was 780,773. The three largest cities were Minneapolis (46,887), St. Paul (41,498), and Winona (10,208). The population of these three cities in 1880 was equal to nearly two-thirds of the entire population when the state was admitted twenty-two years before. During the twenty-two years of statehood, great progress had been made along all lines. Five million acres of land were now under cultivation, and, instead of the lumbering stage coach or the Red river cart, more than three thousand miles of railroad brought the comforts of life to the people of the state. The settler no longer carried his rifle to the field with him as a protection against the savage, for the Indians were now removed beyond the limits of the state, or were quiet upon their reservations. School property worth nearly four million dollars was scattered over the state, an evidence of the people's belief in popular education. More than a hundred banks, with a combined capital of over two million dollars, clearly evinced the people's prosperity. But one cloud threw a shadow upon the fair name and fame of Minnesota, and that was soon to be removed.

With his third inaugural, Governor Pillsbury took a more pronounced stand than ever in favor of the payment of the rail-

road bonds. In his message to the legislature he said: "The fact that the principal of these bonds will become due so soon after the next regular session that too little time thereafter will be left to provide for meeting them, invests the subject at this time with new importance, and renders the prompt and final adjustment of this long-standing indebtedness a matter of solemn and imperative duty. The discharge of this debt is demanded as a simple act of justice, which would be none the less imperative were it to involve serious sacrifices. But these are not required. The task is plain and easy and level to the simplest comprehension. The half-million acres of lands, . . . can be so advantageously employed in this direction that scarcely an appreciable increase in taxation would be required to liquidate the debt. Minnesota has, in most respects, a proud place among the States of the Union. She has evinced her patriotism in war and her wisdom in peace. . . . Only this dishonored debt dims the bright promise of her proud career. But it meets her at every turn. In every civilized community her citizens are shamed with the scathing taunt of repudiation."

Although the legislature of 1880 failed to act, the lessons taught by the official utterances of Governor Pillsbury were learned by the people and the opposition to the payment of the bonds grew weaker and weaker, bringing the day of final settlement close to hand.

On May 19, the Republicans held a state convention at St. Paul, selected the delegates to the national convention to be held at Chicago, and instructed them to present the name of William Windom as a candidate for president, and "to use all honorable efforts to secure his nomination as the first choice of the Republicans of Minnesota." Some of the delegates tried to secure the passage of resolutions declaring James G. Blaine the second choice, and opposing the candidacy of General Grant for a third term; but their adoption was not permitted by the managers.

On the next day the Democrats met in convention at St. Paul, selected national delegates, and nominated presidential electors. In the platform centralization, corruption, and the third term were denounced, and the pledge "that the Democracy of Minnesota will never again submit to the reversal by force or fraud of the will of the people expressed by their votes at an election," was solemnly made.

On the twenty-seventh of May the Greenbackers assembled at

Minneapolis, selected delegates and nominated presidential electors. For a platform the resolutions introduced in congress by General Weaver were reaffirmed. Altogether 150,771 votes were cast for president. Of these Garfield received 93,303; Hancock, 53,315; Weaver, 3,267, and Dow, 286.

Congress passed an act, April 1, 1880, by which the Fort Ripley military reservation, in Crow Wing county, was restored to the public domain.*

On the night of November 15, fire broke out in the north wing of the insane asylum at St. Peter. Twenty-seven of the inmates perished in the flames, and a large number escaped, to wander over the snow-covered fields in a half clad condition. The exact origin of the fire was never ascertained.

The twenty-third session of the legislature, and the first of the biennial sessions under the constitutional amendment of 1877, assembled on the fourth of January, 1881. On the nineteenth, S. J. R. McMillan was re-elected United States senator for the term expiring March 4, 1887.

The most important act passed by this assembly was one providing for the final settlement of the railroad bonds. Selah Chamberlain, representing the holders of a large majority of the bonds, submitted a proposition to accept new bonds equal to half the face value of the old ones. They passed an act the second of March, 1881, authorizing a compromise on the basis of Mr. Chamberlain's proposal. This act contained a proviso that it should be referred to a tribunal of five district judges, who should decide upon the validity of the constitutional amendment of 1860, and upon the question whether the legislature had the power to make a settlement without its being ratified by the people in accordance with that amendment. Before this tribunal could act in the matter, the supreme court declared the act unconstitutional, because it delegated legislative power to the judges constituting the tribunal, and issued an order restraining them from carrying out the provisions of the bill. At the same time the court decided that the amendment of 1860 was invalid, because it contravened the stipulations of the Federal constitution, that no state shall pass any law impairing the obligation of contracts. In reaching this decision, the court held that the requirement of the so-called amendment that all acts relating to the settlement of these bonds should be first referred to the people,

*This reservation was opened to homestead and timber culture by act of Congress March 3, 1881.

was not merely the remedy, but the obligation, and that the legislature had full power to effect an adjustment of the debt without submitting it to a vote of the people.

As soon as this decision was delivered, Governor Pillsbury called the legislature to meet in extra session on the eleventh of October, to take final action on the acceptance of the Chamberlain proposition and the settlement of the bond question. In his message at the opening of the special session, the governor said: "My individual preference is that every dollar of the debt represented by the Minnesota state railroad bonds should be paid in full, principal and interest . . . But inasmuch as the holders of the bonds have, upon their own motion, proposed an adjustment upon more favorable terms, an opportunity is presented for discharging the whole debt by partial payment, without any necessary compromise of our good name."

At that time the principal and interest amounted to eight million five hundred sixty-four thousand dollars. Consequently, the legislature passed an act authorizing an issue of bonds to the amount of four million two hundred eighty-two thousand dollars, to be known as Minnesota state railroad adjustment bonds, payable in from ten to thirty years, and bearing interest at a rate not to exceed five per cent.

Now that this vexed question was settled, no blur remained upon Minnesota's page in the history of American commonwealths. Much of the credit for the final adjustment is due to the persistent and intelligent efforts of Governor Pillsbury. Upon every suitable occasion, without using terms of reproach, he tried to impress upon the people the dangers of every course that looked like repudiation. During the six years that he served as governor of Minnesota, this subject seemed to be uppermost in his mind; and just at the close of his administration he saw his efforts rewarded.

It is a common occurrence in every state for the legislature to hold night sessions toward the close of the term, in order to give due consideration to important measures. About nine o'clock on the evening of March 1, 1881, while the regular session of the Minnesota assembly was thus occupied, the dome of the capitol was discovered to be on fire. Besides the members present in the legislative chambers, the galleries and halls likewise were thronged with visitors, and it was only by the exercise of rare presence of mind on the part of some of the cooler heads, that a panic was averted. The fire was so far above the ground that it became a difficult undertaking to extinguish it.

Attention was then turned toward saving the contents of the building, especially the library belonging to the historical society. Everybody lent a hand, and thus the loss, which amounted to about two hundred thousand dollars, was confined to the building.

The use of the new market house belonging to the city was tendered the state authorities, and the next morning at nine o'clock the legislature assembled therein, where they continued to meet for the few remaining days of the session. Under the presumption that the old walls could be used, an appropriation of seventy-five thousand dollars was made to repair the building. After an examination, competent builders pronounced the walls unsafe, and an additional appropriation of one hundred thousand dollars was made by the extra session in October. The cost of rebuilding finally amounted to about two hundred seventy-five thousand dollars.

When President Garfield was inaugurated, he appointed William Windom, of Minnesota, secretary of the treasury. This left a vacancy in the office of United States senator, to which Governor Pillsbury appointed Alonzo J. Edgerton. After the president's death in September, Mr. Windom resigned his position as a member of the cabinet and, on October 25, was again elected United States senator by the extra session, to serve out the remainder of the term for which he was originally elected.

An act declaring Kanabec county to be organized and fixing the county seat at Brunswick until the next general election, when its location was to be decided by popular vote, was passed on the fourth of November.

The census reports of 1880 showed that Minnesota was entitled to five representatives in congress instead of three; and at the extra session the state was divided into five congressional districts. The first district was made up of the counties of Houston, Fillmore, Mower, Freeborn, Steele, Dodge, Olmstead, Winona and Wabasha. The second district embraced the counties of Faribault, Blue Earth, Waseca, Watonwan, Martin, Cottonwood, Jackson, Murray, Nobles, Rock, Pipestone, Lincoln, Lyon, Redwood, Brown, Nicollet, Yellow Medicine, Lac qui Parle, Sibley and Le Sueur. The third district was composed of the counties of Goodhue, Rice, Dakota, Scott, Carver, McLeod, Meeker, Kandiyohi, Renville, Swift and Chippewa. The counties of Washington, Ramsey, Hennepin, Wright, Pine, Kanabec, Anoka, Chisago, Isanti, and Sherburne constituted the fourth district. The fifth district consisted of the counties of Mille

Lacs, Benton, Morrison, Stearns, Pope, Douglas, Stevens, Bigstone, Traverse, Grant, Todd, Crow Wing, Aitkin, Carlton, Wadena, Otter Tail, Wilkin, Cass, Becker, Clay, Polk, Beltrami, Marshall, Kittison, Itasca, St. Louis, Lake, and Cook.

On September 28, the Republican state convention met at St. Paul to nominate candidates for the various state offices, and the following ticket was placed in the field: For governor, Lucius F. Hubbard; lieutenant governor, Charles A. Gilman; secretary of state, Frederick von Baumbach; auditor, W. W. Braden; treasurer, Charles Kittleson; attorney general, W. J. Hahn; judges of the supreme court, William Mitchell, D. A. Dickinson and Charles E. Vanderburg; clerk of the supreme court, Samuel H. Nichols; railroad commissioner, James H. Baker. Resolutions reiterating the well established party tenets, expressing sorrow for the death of President Garfield and confidence in his successor, and endorsing Governor Pillsbury's administration, were passed. Regrets for the death of Judge F. R. E. Cornell, of the state supreme court, were also expressed.

On October 6, the Democrats met in convention and nominated R. W. Johnson for governor; E. P. Barnum, lieutenant governor; A. J. Lamberton, secretary of state; Rudolph Lehmicke, auditor; John F. Russell, treasurer; G. M. Baxter, attorney general; J. J. Thornton, clerk of the supreme court; and B. S. Cook, railroad commissioner. No nominations for judges of the supreme court were made. Instead, they adopted a resolution to the effect that "The question of personal fitness for the office, rather than mere political affiliation, is of paramount importance, and that in Messrs. Mitchell, Clark and Dickinson, present members of our supreme court, we recognize gentlemen eminently qualified for that important position, and we cheerfully recommend their endorsement by all who desire an able and untarnished judiciary." The platform reaffirmed the national declarations of 1880, advocated the payment of the railroad bonds, and expressed grief for the untimely death of the president.

The vote for governor at the election in November was as follows: Hubbard, 65,025; Johnson, 37,168; scattering, 3,384. All the Republican candidates were elected by similar majorities. Four constitutional amendments, three of which were ratified, were before the people. The most important of these was probably the one relating to the sale of swamp lands and the disposal of the proceeds. By this amendment it was provided that these lands should be sold in the same way as school lands;

that the smallest price for such lands should be one-third less than the smallest price of school lands fixed by law; and that the principal of the proceeds should constitute a permanent fund, one-half of the income to go to common schools and the other half to the educational and charitable institutions of the state. Before the adoption of this amendment, more than 2,500,000 acres of these lands had been given to railroad companies. By its provisions the remaining lands, about 2,500,000, became a heritage to the people of Minnesota and to their children's children.

President Arthur issued an order on December 12, setting apart that portion of section 23 lying east of Sucker Bay, on the west shore of Vermillion lake, and parts of sections 24, 25, 26, and 35, in township 62 north, range 16 west, as a reservation for the Bois Forte band of Chippewa Indians.

Lucius Frederick Hubbard, eighth governor of Minnesota, was born January 26, 1836, at Troy, N. Y. Left an orphan at the age of three years, he became the charge of an aunt at Chester, Vt. At the age of twelve he was sent to an academy at Granville, N. Y., where he remained three years. Upon leaving school he was apprenticed to a tinsmith at Poultney, Vt. In 1854 he went to Chicago, where, for three years, he worked at his trade, putting in all his spare time in study, as he had done during the years of his apprenticeship. In 1857 he removed to Red Wing, Minn., and established a paper called the *Republican*, with himself as the editor. This paper he conducted successfully until the winter of 1861, when he sold it in order to enlist as a private in the Fifth Minnesota, then being organized. The following February he was given a commission as captain. When the regiment was reorganized in March, 1862, he was made lieutenant colonel and in August was promoted to the rank of colonel. During the last two years of his service, he commanded a brigade, and in December, 1864, was advanced to the rank of brevet brigadier general. After the war he returned to Red Wing and became interested in railroad operations, projecting the Minnesota Central from Red Wing to Mankato, and later becoming the general manager of the Duluth, Red Wing and Southern. In 1872 he was elected to the state senate and was re-elected in 1874. His election to the office of governor in 1881 has already been mentioned. He was re-elected in 1883, and, while governor of Minnesota, was also the member of the Republican national committee from that state. When war with Spain was declared in 1898, he was commissioned brigadier general by

President McKinley, and placed in command of the Third division, Seventh corps.

No session of the legislature was convened in 1882, and the year was one of comparative quiet. This first year of Governor Hubbard's administration was one of general prosperity to the citizens and institutions of Minnesota. The three normal schools at Winona, Mankato, and St. Cloud reported an attendance of more than a thousand students. The entire revenues of the state amounted to almost six million dollars, while the public debt, exclusive of the railroad adjustment bonds, was less than one hundred thousand dollars. The legislature of 1881 passed an act appropriating thirty thousand dollars annually, for six years, to provide a building fund for the university, thus making provisions for the rapidly growing attendance.* More than 500 miles of railroad were completed during the year, making a total of 3,749 miles. Good crops, thus brought within easy reach of the markets, enabled many a farmer to pay off the mortgage upon his farm. Bank deposits ran up into millions, and signs of thrift were to be seen on every hand.

On January 2, 1883, the second biennial session of the legislature met at St. Paul. An exciting contest arose in the election of a United States senator. Altogether thirty ballots were taken, the last on the first of February, resulting in the election of Dwight M. Sabin.** The vote of the last ballot was as follows: Sabin, 81 votes; William Windom, 30; Gordon E. Cole, 15; Governor Hubbard, 9.

The campaign of 1883 was opened by the Republican state convention at St. Paul on June 27. The candidates for governor, lieutenant governor, secretary, treasurer, attorney general and railroad commissioner of 1881 were all renominated. On August 2, the Democratic convention met at the capital and nominated W. W. McNair for governor; R. Frazee for lieutenant governor; J. J. Green for secretary of state; John Ludwig for treasurer; John W. Willis for attorney general, and A. T. Lundholm for railroad commissioner. Mr. McNair declined the nomination for governor, and A. Bierman, who had received the next highest vote in the convention, was placed at the head of

*The buildings mentioned in the act were a farm house and stables; a building for the college of mechanic arts; an astronomical observatory; a museum; a library, and a building for the department of military science. By some miscalculation only one of the buildings provided for was erected.

**Dwight M. Sabin died at the Auditorium Hotel annex, in Chicago, December 23, 1902, of heart failure. He was a native of Illinois, and was largely identified with the lumber and railroad interests of the Northwest. At one time he was reputed to be worth \$10,000,000. He served but one term in the senate, devoting the remainder of his life to his business enterprises.

the ticket. Again the entire Republican ticket was successful at the polls in November. For governor, Hubbard received 72,404 votes and Bierman 57,859.

Four constitutional amendments were submitted to the people at this election. The first fixed the official term of all the state officers, except auditor, clerk and judges of the supreme court, at two years, and settled the term of the auditor at four years. The second provided for the election of all state officers in the even-numbered years, beginning in 1884 and being held biennially thereafter. This amendment extended the tenure of all the officers whose terms expired in January, 1886, to January, 1887. The third amendment lengthened the term of the clerk of the supreme court from three to four years, and reduced the term of the judges from seven to six years, so that these terms of office would correspond to the time of holding the general elections. These three amendments were ratified by large majorities; but the fourth, known as the prohibitory amendment, was defeated.

In the latter days of August a tornado swept through Dodge and Olmsted counties doing considerable damage. More than a hundred houses at Rochester, in Olmsted county, were totally demolished, nineteen people killed and nearly a hundred injured.

Five Republican congressmen were elected in 1884. For president, Blaine received 111,685 votes; Cleveland, 70,065; Butler, 3,583, and St. John, 4,684. This was by far the heaviest vote ever cast in the state, and showed the great increase in population since the presidential election of 1880. In the legislature of 1885, the members of which were chosen at this election, the Republicans had thirty members in the senate and seventy in the house, while the Democrats had seventy in the upper branch and thirty-three in the lower.

Minnesota was not represented at the Centennial Exposition, at Philadelphia, in 1876; but, at the New Orleans Exposition, in the winter of 1884-85, her dairy and horticultural products stood at the top of the prize winning list. Eleven cash prizes and three silver medals were won on the display of grapes, no other state winning a prize on "grapes grown east of the Rocky Mountains." On dairy products she won nearly one-third of the cash prizes, and won several prizes on other products. But the intrinsic value of the cash sums and medals was nothing compared to the reputation the state won among the people of other states and countries. The notion had become prevalent that nothing but wheat could be grown in Minnesota; but her exhibit of fruits

and dairy products at New Orleans served to dispel the misconception, and was no doubt responsible for much of the increase in population during the latter years of the census decade ending in 1890.

The third biennial legislature met on January 16, 1885. During the session a large number of bills was introduced, a majority of them becoming laws. Perhaps the most important were the bills relating to the railroad, grain, and dairy interests. An act establishing a fourth normal school, to be located at Moorhead, was passed. The salaries of governor and attorney-general were increased, the former from three thousand eight hundred dollars to five thousand dollars and the latter from two thousand dollars to three thousand five hundred dollars. Three new judicial districts were established; a penal code was adopted; a commission was created to locate a second state prison; and an agricultural experimental station was established in connection with the state university.

The principal events of the year 1886 were connected with the political campaign. On December 15 the Democrats met in state convention at St. Paul and nominated A. A. Ames for governor; John Frank for lieutenant-governor; Luke Jaeger for secretary of state; G. A. Lundberg for auditor; Henry Poehler for treasurer; J. N. Ives for attorney general, and George T. Gardner for clerk of the supreme court.

President Cleveland's administration was endorsed; a complete reform of the tariff was demanded; the establishment of a department of agriculture, the secretary thereof to be a cabinet officer, was recommended, and a liberal pension policy was favored. On state issues the platform declared in favor of a more rigid enforcement of the warehouse and grain laws; the establishment of a state labor bureau; the arbitration of all differences between capital and labor; and the erection of a state soldiers' home for disabled veterans. The policy of placing convict-made goods in competition with the products of free labor was condemned.

Just a week later the Republican convention met at the same place and nominated the following ticket: For governor, Andrew R. McGill; lieutenant-governor, A. E. Rice; secretary of state, Hans Mattson; auditor, W. W. Braden; treasurer, Joseph Bobleter; attorney-general, M. E. Clapp; clerk of the supreme court, D. D. Jones; judges of the supreme court, D. A. Dickinson, W. H. Vanderburg, and William Mitchell.

In the platform it was declared that the interest of all classes demanded the use of both precious metals as money, the silver

dollar to be equal in value to the dollar of gold. To bring about this end, legislation, to secure the consent of the principal commercial nations to the resumption of the free coinage of silver at a ratio fixed by international agreement, was favored. On state issues the platform endorsed the efforts of the Grand Army of the Republic to secure the erection of a state soldiers' home; demanded amendments to the warehouse law in the interest of the farmers; and declared in favor of legislation to secure equal wages for men and women for equal work, to prohibit the watering of corporation stock, to abolish that contract system of convict labor, and to give patrons of the public schools free text books.

The Prohibitionists nominated T. E. Child for governor; J. P. Pinkham for lieutenant-governor; P. J. Kniss for secretary of state; W. H. Allen for auditor; C. A. Bierce for treasurer; W. M. Hatch for attorney-general; J. McKnight, J. W. Cochran and C. E. Shannon for judges of the supreme court, and C. A. Fosnes for clerk.

McGill received 107,068 votes, Ames 104,464, and Child 8,966. The other Republican candidates were elected by much larger pluralities. In the First, Third and Fourth districts, the Democratic candidates for congress were elected, the Republicans being successful in the Second and Fifth districts. An amendment to the constitution, authorizing the loan of the school funds to counties and school districts, was ratified.

During the five years from 1881 to 1886, considerable discussion was aroused in the newspapers and elsewhere, regarding the real source of the Mississippi river. For many years after the expedition of Schoolcraft in 1832, Lake Itasca was generally accepted as the ultimate origin of the "Father of Waters." In 1881 Capt. Willard Glazier, accompanied by Robert Channing Paine, Indianapolis, George Herbert Glazier of Chicago, two half-breeds named Moses and Sebastian Lagard, and an Indian known as Chenowagesic, visited the head waters of the great river, and, on July 22 found that the small lake south of Lake Itasca was connected with the latter by a distinct channel and was, therefore, the true source. Captain Glazier's five companions drew up and signed a petition addressed to all geographical societies to recognize this small lake, to which they gave the name of "Lake Glazier," as the real source of the Mississippi.*

In 1860 Henry D. Harrower published an exhaustive pamphlet

* Robert Channing Paine afterward said that this was done at Captain Glazier's request.

on the subject, in which he showed that Captain Glazier was not the first discoverer of the lake to which his name had been given. As early as 1872 Julius Chambers, a correspondent of the *New York Herald*, visited this lake and bestowed upon it the name of "Dolly Varden," after the little boat in which he was voyaging. In 1876 a map of the region was made by E. S. Hall and his assistants, under the direction of the United States government. On this map the lake appears as Elk lake. Instructors in the public schools were teaching from Guyot's primary geography in 1875, that the true source of the river was not Lake Itasca. O. E. Garrison, of St. Cloud, and C. M. Terry, of the department of geology and natural history, both visited Elk lake in 1880 and spoke of its connection with Lake Itasca.

All these points were succinctly brought out in Mr. Harrower's pamphlet, and on February 9, 1887, the Minnesota Historical society passed a resolution declaring that the claims of Captain Glazier were without foundation, and the discussion ended.

The fourth biennial session of the legislature was convened on January 4, 1887. Politically, the senate stood 30 Republicans and 17 Democrats, and the house 66 Republicans and 37 Democrats, thus giving the Republicans a majority of 42 on joint ballot. On the second day of the term Governor McGill was inaugurated.

Andrew Ryan McGill, ninth governor of the state of Minnesota, was born at Saegerstown, Pa., February 19, 1840. When he was about eight years of age, his mother died; but he continued to live on the farm with his father until he was eighteen, attending the common schools and the village academy during the winter seasons. In 1859 he went to Kentucky, where he engaged in teaching school. Early in 1861 he removed to Minnesota, and, during the following winter, was principal of the St. Peter public schools. He enlisted in the Ninth Minnesota, in August, 1862, and took part in the campaign against the Indians on the western frontier. After the suppression of the Sioux outbreak, he went with his regiment to the Army of the Tennessee, remaining in the service until the summer of 1863, when he was discharged on account of physical disability. Returning to Minnesota, he became the editor of the *St. Peter Tribune*, and in 1865-66 was superintendent of the public schools. Meantime he studied law with Horace Austin and was admitted to the bar. When Austin was elected governor, McGill became his private secretary. From that time until elected governor, he held various positions, in all of which he acquitted himself with credit. The principal

reason for his small majority in 1886 was that he advocated high license fees for saloons in all those counties where saloons were not prohibited by the operations of the local option law.

In his inaugural address he urged the passage of a law increasing license fees. Accordingly the legislature passed an act fixing the rates at one thousand dollars per annum in all cities of ten thousand population and over; and at five hundred dollars in all other towns and cities. They required saloon keepers to give bonds to observe the laws.

In response to the demand for party platforms the assembly passed acts repealing the old railroad commission law and creating a new commission with greater power; prohibiting the contract system in the employment of convicts, when the contracts then in force should expire, and creating a state bureau of labor statistics. An appropriation of fifty thousand dollars, to be used in founding a soldiers' home, was made. The city of Minneapolis gave fifty-one acres of Minnehaha Park for a location. Work was begun as soon as the weather would permit and pushed forward with such celerity that the institution was ready for occupancy in November.

A state reformatory was located at St. Cloud. This institution differs from the penitentiary in that it is for the imprisonment of those not yet steeped in crime. All sentences are indeterminate, the good behavior and evidences of reform on the part of the inmate serving to shorten the time of imprisonment, and vice versa. Inmates are encouraged to learn trades, and night schools are held four times a week.

Three amendments to the constitution, to be voted on by the people at the general election in 1888, were proposed. The first declared persons forming a combination to monopolize the market for food products, guilty of criminal conspiracy, and gave the legislature power to deal with the matter by suitable legislation. This is known as the "anti trust" amendment. The second provided that all property exempt from execution under the ordinary exemption laws, should be subject to liens for labor or material employed in constructing the same; and the third increased the length of the regular biennial session of the legislature from sixty to ninety days, with the restriction that no new bills, except in special cases, should be introduced during the last twenty days of the session.

In July the new liquor laws went into effect. With the expiration of the licenses then in force, the number of saloons in all the larger cities was materially decreased. In Minneapolis by the

close of the year, the number was diminished from 334 to 227; in Duluth, from 113 to 64; and in Winona, from 93 to 23. Other cities from which reports were received showed a corresponding decrease.

One effect of this was to arouse the Prohibition party to greater exertions. For some time the organization had been in a condition bordering on dormancy; but, in the campaign of 1888, it was the first to place a ticket in the field. A Prohibition convention held at St. Paul in July, nominated Hugh Harrison for governor; Theo. S. Reimstad for lieutenant-governor; Peter Thompson for secretary of state; John H. Allen for treasurer; Charles E. Shannon for attorney-general; F. L. Claffey for chief justice, and George S. Livermore for associate justice of the supreme court.

On the fifteenth of August the Democratic state convention assembled at St. Paul and nominated the following ticket: For governor, Eugene M. Wilson; lieutenant-governor, Daniel Buck; secretary of state, W. C. Breedenhagen; treasurer, Hans Nelson; attorney-general, C. D. Autremont; chief justice, Seagrave Smith; associate justice, George W. Batchelder. After commending the administration of President Cleveland, the platform denounced the grain inspection laws of the state and the extravagance in the state government, and declared in favor of a reduction in the number of offices. Governor McGill was charged with "debasement of the civil service by removing experienced officials to make places for men in payment of political debts," and also with "prostituting the judiciary for the first time to the purposes of factional partisanship, as a result of which men of acknowledged incompetency are clothed with judicial ermine as a compensation for political services in the caucus or on the stump."

The Farm and Labor party held a convention, also at St. Paul, on August 28, and nominated a ticket representing the agricultural interest and organized labor, viz: For governor, Ignatius Donnelly; lieutenant-governor, James McGaughy; secretary of state, J. P. Schonbeck; treasurer, W. G. Jebb; attorney-general, William Welch. They passed resolutions in favor of the Federal government's issuing money direct to the people without the intervention of banks, the extension of the elective franchise to women; the reduction of freight and passenger tariffs on railroads to actual operating expenses, a factory inspection law, an eight hour work-day, the deduction of mortgage indebtedness

from the value of the property taxed, and a law prohibiting the use of "Pinkertons" in case of strikes. Donnelly refused to accept the nomination, and the name of J. H. Paul was placed at the head of the ticket by the state central committee.

When the Republican convention met on September 5, the secretary, treasurer and attorney-general were nominated for re-election. On the fifth ballot William R. Merriam was nominated for governor. Chief Justice Gilfillan was re-nominated without opposition, and L. W. Collins was named for associate justice. The platform endorsed the official acts of Governor McGill; declared in favor of a reduction in tariff duties; and favored a liberal pension policy and the maintenance of the high license law. Civil service reform and the interstate commerce law were approved; the fishing treaty was condemned; and the Democrats in congress were denounced for refusing the admission of Dakota to statehood.

At the election in November, an unusually heavy vote was polled. For president Harrison received 142,492 votes; Cleveland, 104,385; Fisk, 15,311; Streeter, 1,097. The vote for governor was slightly less. Merriam received 134,555; Wilson, 110,251; Harrison, 17,150; and Paul, 385. All three of the amendments proposed by the legislature of 1887 were ratified by large majorities, the anti-trust amendment, for some unaccountable reason, being the smallest of the three. During the year the Law and Medical departments of the state university and the Moorhead normal school, were opened for the admission of students; and the first electric street railway in the state was put in operation at Stillwater.

CHAPTER VI

From Merriam to Clough

WILLIAM RUSH MERRIAM, the tenth governor of the state, was born at Wadham's Mills, Essex county, N. Y., July 26, 1849. When he was twelve years of age, his parents removed to St. Paul, and, three years later, he was sent to Racine, Wis., to attend school. In 1870 he graduated as master of arts from Racine college, delivering the valedictory for his class. The following year he entered the Merchant's National Bank of St. Paul as a clerk, became cashier in 1873, advanced to the vice-presidency in 1880, and, from 1882 to 1897, officiated as president of the institution. His activity in political matters led to his election to the legislature in 1882. Four years later he served as speaker of the house. In 1872 he was married to Miss Laura Hancock, a niece of Gen. W. S. Hancock. He was re-elected governor at the close of his first term, and was director of the twelfth census in 1900. He is a member of several clubs, owns a number of fine farms, and takes an active interest in the work of the state and local agricultural societies.

The legislature of 1889 met on January 8, and, agreeable to custom, the new governor was inaugurated on the second day of the term. At this session William D. Washburn was elected United States senator to succeed Dwight M. Sabin. Mr. Washburn had previously served three terms in the lower house of congress. The vote on joint ballot stood as follows: Washburn, 107; E. W. Durant, 20; C. M. Start, 9; scattering, 5. A new probate code was adopted; the Australian system of voting was made applicable to cities having a population of ten thousand or more; a new lien law was passed; and May 30 was declared a legal holiday. An appropriation of one hundred

thousand dollars, for the purpose of buying seed grain for the farmers whose crops were destroyed in 1888, was made.

The legislature of 1887 had passed an act prohibiting aliens from owning or acquiring land in the state, except in case of corporations owning and operating canals, turnpikes or railroads, or in the case of mortgage foreclosures in the collection of debts. This act was modified in 1889 by the assembly's limiting the ownership of corporations to 5,000 acres; allowing aliens in cities to own not more than six lots, fifty by three hundred feet each; and providing that actions to forfeit alien lands should be begun within three years from the time ownership was first acquired by such aliens.

On April 16, the governor approved an act appointing a commission to prepare a history of the Minnesota troops who served in the Civil war. The commission consisted of Capt. William Lochren, of the First regiment; Col. J. W. Bishop, of the Second; Col. C. C. Andrews, of the Third; Col. John B. Sanborn, of the Fourth; Col. Lucius F. Hubbard, of the Fifth; and Charles E. Flandrau, who had commanded the white forces at the battle of New Ulm. Ten thousand copies were ordered printed, and an appropriation of twelve thousand dollars to defray the expenses was made. An appropriation of two hundred dollars for a bronze tablet for the field of Gettysburg, to be located on the scene of Longstreet's charge, in the repulse of which the First Minnesota played so conspicuous a part, was also made at this session.

Between July 8 and November 21, several treaties were made with the various bands of Chippewa Indians. The cession acquired by the United States under these treaties was bounded as follows: Beginning at the intersection of the forty-ninth parallel with the Lake of the Woods; thence in a southwesterly direction in a straight line to the point where Thief river leaves Mud lake; thence down Thief river to the line between Marshall and Polk counties; thence east to the shore of Upper Red lake and along the shore in an easterly direction to a point due north of a point one mile east of the most eastern extremity of lower Red lake; thence south to a point from which a line drawn due west would pass half way between the "Big Marsh" and the nearest sugarbush north;* thence west on this line to Clearwater river; thence down said river to the boundary line of the Red

*The Indians could not comprehend township and section lines as fixed by government survey. For this reason boundaries were made to conform to some natural objects that they could understand.

lake reservation, and thence along this reservation line to the intersection of the Thief river and the line between Marshall and Polk counties.

The Red lake band abdicated their interest in this tract on the eighth of July, and the Pembina band and the Mississippi river Chippewas, of the White Earth reservation, did likewise on the twenty-ninth of the same month. At the same time the latter ceded four townships in the northeast part of the White Earth reservation. The White Oak band relinquished their claim to the large cession mentioned, on September 6; the Bois Forte band, on October 12; the Grand Portage band, on October 24, and the Fond du Lac band, on November 21, which proceeding by the three bands completely vested the title in the United States.

This tract had been reserved by the treaty of October 2, 1863, as a common hunting ground for the several bands that now joined in ceding it to the white-man's government. Small reservations were set apart for the different bands, as follows: The Grand Portage band in the extreme eastern portion of Cook county, between Lake Superior and the Pigeon river; the Fond du Lac band on the south side of the St. Louis river, in St. Louis and Carlton counties; the Bois Forte band, two reservations, one on Little Fork and the other on Big Fork, but both in Itasca county. The other bands were quartered on the White Earth, Red lake, and Leech lake reservations. By the stipulations of this agreement, practically all of the Indian possessions in Minnesota passed into the hands of the whites. Confined to the few small reservations, the natives would have few opportunities to display any hostility; and since that time, with one or two exceptions, which will be described in the proper place, they have given very little trouble.

Early in 1890 some of the contracts for convict labor at the Stillwater penitentiary expired. The act of 1887, which was intended to abolish the contract system, had been amended by the succeeding legislature, giving the board of prison managers the option of keeping the convicts employed by either of the three methods known as state account, piece price, or contract.

When the contracts expired in 1890, the managers found themselves confronted by a problem that for a time appeared to be difficult of solution. Bids were advertised for, but none came. Finally the Minnesota Thresher Company offered to employ 175 convicts for a given time, provided the state would take in part payment the buildings owned by the thresher company and located on the prison grounds. As nothing else presented itself,

the managers were constrained to accept the proposition. Before the expiration of the contract, the prison commissioners purchased the necessary machinery for the manufacture of binding twine, and installed a twine factory in the buildings obtained from the thresher company.

Soon after the creation of the new railroad commission by the legislature of 1887, a suit was begun to test the constitutionality of the measure. This suit was carried on appeal to the supreme court of the United States, which, in 1890, handed down a decision that the law was unconstitutional, thus leaving the people of Minnesota exposed to the rapacity of the railroad corporations.

Encouraged, no doubt, by the large vote polled for the Prohibition candidates in 1888, that party was the first to nominate a ticket in the campaign of 1890. A state convention was held at St. Paul, on June 26. K. P. Pinkham was nominated for governor; J. O. Barrett, for lieutenant-governor; H. S. Hilleboe, for secretary of state; Ole Kron, for auditor; N. R. Frost for treasurer; Robert Taylor, for attorney-general; N. G. Dean, for clerk of the supreme court. Besides the customary resolutions relating to the manufacture and sale of intoxicants, the platform endorsed all the essential reforms advocated by the Farmers' Alliance.

In response to the demand of a number of local "Alliances," a call for a state convention of the Farmers' Alliance to meet in St. Paul, July 16, to consider the advisability of placing a ticket in the field, was issued on the fifteenth of June. Ever since the decline of the Grange movement, fifteen years before, the teachings of that organization lingered with many of the farmers throughout the northwest. As a natural result, when the Farmers' Alliance was once introduced in that section, the growth of the organization was little short of phenomenal. When the convention met, a large number of farmers from all parts of the state, in addition to the regularly selected delegates, were in attendance. A large majority of those present favored independent political action, and the following ticket was nominated: For governor, S. M. Owen; lieutenant-governor, J. O. Barrett; secretary of state, M. Wesenberg; auditor, P. H. Rahilly; treasurer, Eric Mathison; attorney-general, J. M. Burlingame. The platform demanded reform in the methods of grading wheat, equal railroad rates from points in western Minnesota to Duluth and Chicago, a lower rate of interest, the deduction of mortgage indebtedness from the valuation of prop-

erty for tax purposes, the election of United States senators by popular vote, and the extension of the Australian method of voting to all the election precincts of the state.

Governor Merriam, Treasurer Bobleter, and Attorney General Clapp were re-nominated by the Republican convention at St. Paul on the twenty-fourth of July. The rest of the ticket was as follows: Lieutenant-governor, Gideon S. Ives; secretary of state, Fred P. Brown; auditor, P. J. McGuire; clerk of the supreme court, Charles P. Holcomb. By the operations of the high license law of 1887, a large number of saloons had been closed. This law was enacted by a Republican legislature and approved by Governor McGill, a Republican. It was consistent, therefore, that the platform adopted by this convention should endorse the law and give a pledge that it would be kept on the statute-books. The act of the prison managers in establishing the twine factory at the penitentiary was also endorsed. Legislation that would regulate the tolls of common carriers by the interstate commerce law, that would regulate the same tolls in the state through the legislature; that would reduce the legal rate of interest; that would prevent the "watering" of corporation stocks, and that would extend the Australian voting system to the entire state, was recommended.

The Democratic state convention was held at St. Paul on September 10. Thomas Wilson was nominated for governor; E. G. Pahl, for lieutenant-governor; A. T. Lindholm, for secretary of state; Adolf Bierman, for auditor; Charles M. Foote for treasurer; D. T. Calhoun, for attorney-general, and T. F. O'Hair, for clerk of the supreme court. The platform denounced the "marked growth of corruption in legislation," condemned the Republican party for its incapacity to deal with the problem of securing a free and open grain market, and characterized the grain inspection law as "stupid if honest, malevolent if not."

After the nominations of all parties had been made, the Alliance candidate for auditor of state was withdrawn in favor of Adolf Bierman, the Democratic candidate. This resulted in his election, the balance of the Republican ticket being successful.

The vote for governor was as follows: Merriam, 88,111; Wilson, 85,844; Owen, 58,514 and Pinkham, 8,424. Of the five members of congress, the Republicans elected one, the Alliance party one, and the Democrats three. In the state legislature the senate stood 27 Republicans, 15 Democrats and 12 Alliance men; the house, 40 Republicans, 41 Democrats and 33 Alliance men. A constitutional amendment empowering the

legislature to enact a law by which five-sixths of the members of a jury could return a verdict, was adopted. A vote was taken on the question, "Shall the law taxing the gross earnings of railroads be repealed?" The question was decided in the negative by a vote of 76,052 to 41,341.

During the year the insane asylum at Fergus Falls was completed and opened for the accommodation of patients. This gave the state three asylums. The first was established at St. Peter in 1866, and the second, at Rochester in 1879.*

The legislature of 1891 passed nearly eight hundred acts of special character and about seventy general laws. Under the act of congress, February 7, 1891, and upon the basis of the census returns of the previous year, Minnesota was given seven representatives in congress. It fell to the lot of the legislature then in session to re-district the state so as to provide for the two additional members.

Houston, Fillmore, Mower, Freeborn, Waseca, Steele, Dodge, Olmsted, Winona and Wabasha counties were made to constitute the first district. The second district was composed of the counties of Faribault, Martin, Jackson, Nobles, Rock, Pipestone, Murray, Watonwan, Blue Earth, Nicollet, Brown, Redwood, Lyon, Lincoln, Yellow Medicine, Lac qui Parle, Chippewa and Cottonwood. In the third district were the counties of Goodhue, Dakota, Rice, Scott, Le Sueur, Sibley, Carver, McLeod, Renville and Meeker. The fourth district consisted of Ramsey, Washington, Chisago, Isanti and Kanabec counties. Hennepin county alone constituted the fifth district. The sixth was made up of Cook, Lake, St. Louis, Itasca, Carlton, Aitkin, Crow Wing, Pine, Mille Lacs, Anoka, Sherburne, Wright, Stearns, Benton, Morrison, Todd, Cass, Wadena, Hubbard and Beltrami counties. The seventh district was composed of the counties of Kittison, Marshall, Polk, Norman, Clay, Wilkin, Traverse, Big Stone, Swift, Kandiyohi, Stevens, Pope, Douglas, Grant, Otter Tail and Becker.

On the twentieth of April the assembly passed an act "to provide for the collection, arrangement and display of the products of the state of Minnesota at the World's Columbian Exposition, of one thousand eight hundred and ninety-three, and to make an appropriation therefor." By the provisions of this act, the governor was authorized to appoint six citizens of the state, to be known as the board of World's Fair managers of Minnesota.

*Additional asylums have since been built at Hastings and Anoka.

The same act provided an appropriation of fifty thousand dollars to pay the cost of erecting a building on the World's Fair grounds at Chicago, and of collecting, transporting and arranging the exhibit.

Governor Merriam appointed upon the board of managers thus created D. A. Monfort, of St. Paul; J. LaDue Luverne and C. McReeve, of Minneapolis; J. J. Furlong, of Austin; A. L. Ward, of Fairmount; and George N. Lampher, of Moorhead. The governor was ex-officio a member of the board. L. P. Hunt was appointed superintendent.

At the same time another act condemning a tract of land five miles wide by seven miles long, near Lake Itasca, for a state park, was passed August 3, 1892. Congress granted to the state all the unclaimed and unappropriated lands lying within the limits of this park, so long as the same should be used for park purposes and the timber should be protected by state laws. If the timber should not be protected, or if the tract should cease to be used as a park, the land would revert to the public domain. Situated, as it is, in a beautiful forest almost in a state of nature, at the source of the great "Father of Waters," over which so much discussion has ensued, this park has a historic renown, as well as an attraction for those merely seeking pleasure or recreation.

By the first of 1892 the twine plant at the Stillwater penitentiary was actively operated, and afforded employment to a large number of convicts. A method of employing the prisoners in the reformatory, who might otherwise be idle, was found in the stone quarries at St. Cloud. By the introduction of these processes, Minnesota took an advanced position in the solution of the convict labor problem. The twine plant idea has since been adopted by other states.

The strength shown by the Farmers' Alliance party in 1890 injected an element of uncertainty into the campaign of 1892. Two years had elapsed, in which it was possible the movement might have grown to proportion that would sweep the state. As the time approached for the beginning of political activity, astute leaders of all parties were on the lookout for opportunities to secure advantage, or to devise some means to weaken the Alliance vote.

In April the Democrats held a state convention at St. Paul, and selected delegates to the national convention. No nominations were made, and the platform adopted was to a large degree

non-committal on most of the vital issues. The repeal of the Sherman silver law was demanded. Protective tariffs were denounced as creating burdens, affecting different classes of people and different sections of the country disproportionately, stimulating monopolies, sapping the strength of industrial energies, and polluting the springs of political action. A second convention of the same party was held at St. Paul, August 3, when the following ticket was nominated: For governor, D. W. Lawler; lieutenant-governor, Harry Hawkins; secretary of state, Peter Nelson; treasurer, Joseph Leicht; attorney-general, H. C. Nethaway; justices of the supreme court, William Mitchell, Daniel Buck and Thomas Canty. Nine presidential electors were also nominated.

Two conventions were likewise held by the Republicans. The first, May 5, selected delegates to the national convention, but made no declaration of principles. The second, July 28, nominated Knute Nelson for governor; David M. Clough for lieutenant-governor; Fred P. Brown for secretary of state; Joseph Bobleter for treasurer; H. W. Childs for attorney-general; William Mitchell, D. A. Dickinson and C. E. Vanderburg for justices of the supreme court. Many resolutions, in which President Harrison's administration was endorsed as "wise, pure, firm, and intensely American," were adopted. Trusts were condemned, the twine plant in the Stillwater prison being especially referred to as a relief from the exactions of the twine trust. Legislation to prevent speculation in options and futures, to protect the forests of the state, and to subserve the interests of labor, was favored.

On July 7, the Alliance convention was held at St. Paul. No nominations, except that of J. H. Baker for governor, were made. He was nominated in the hope that he would receive the endorsement of the People's party. Failing to accomplish this object, the Alliance people withdrew his name. In the platform the protective tariff was denounced; as was, also, the practice of public officials traveling upon free passes. A lower rate of interest and an increase in the volume of money to fifty dollars per capita were demanded; and congress was asked to pass laws forbidding aliens to own land in the United States, as well as to reclaim for the benefit of actual settlers, the lands already held by aliens and syndicates.

A Populist convention was held at the capital in July, at which Ignatius Donnelly was nominated for governor; Kittel Halvorsen, for lieutenant-governor; H. B. Martin, for secretary of state;

P. M. Ringdal, for treasurer; J. L. McDonald, for attorney general; Daniel E. Buck, Thomas Canty and W. N. Davidson, for justices of the supreme court.

In the platform the convention made demands for radical and immediate change in the state control of corporations and transportation facilities. Warehouse accommodations at every railroad station were required to be provided by the railroad companies. State elevators at Minneapolis, St. Paul and Duluth were demanded. A resolution expressing sympathy with the striking steel workers at Homestead, Pa., was adopted.

On May 31, the Prohibitionists held a convention at which the following ticket was nominated: For governor, William J. Dean; lieutenant-governor, Ole Kron; secretary of state, H. H. Aaker; treasurer, D. H. Evans; attorney-general, Robert Taylor; justices of the supreme court, William Mitchell, D. A. Dickinson, and C. E. Vanderburg.

After the convention had been held, the Democrats and Populists effected a fusion, the former endorsing four of the Populist electors. By this action the presidential election was rendered somewhat complex. The name of Gen. J. B. Weaver, the Populist candidate for president, appeared on two tickets—the straight Populist and the Fusion. Some of the voters in both the Democratic and People's parties refused to support the fusion arrangement, and the following was the result: The five straight Democratic electors received 100,920 votes; the five straight Populists, 29,313; and the four Fusion candidates, 107,077. The Prohibition electors received 14,182 votes and the Republican electors, 122,823. The electoral vote of the state was therefore cast for General Harrison.

Two constitutional amendments were voted on at this election. One prohibiting legislation of a special nature, was adopted by a vote of 77,614 to 19,583; the other providing for the taxation of sleeping car companies and certain other corporations, was rejected, 82,910 votes being cast against it to 53,372 in its favor.

This was the first election at which the Australian ballot system was used throughout the state. As previously noted, the legislature of 1889 passed an act providing for its introduction in cities having a population of ten thousand or more, and in compliance with the popular wishes the next assembly made it general.

An incident connected with the political campaign of 1892, and one that added to Minnesota's fame abroad, was the holding of the Republican national convention at Minneapolis on the seventh

of June. Hundreds of representative men from all over the United States were in attendance, and the comments heard were of such a character as to show that the visitors were surprised at the resources of the state.

With the appointment of the World's Fair commissioners by Governor Merriam, a movement was started by the women of the state to secure the appointment of a woman's auxiliary to the board created by the legislature. On the fourteenth of February, 1892, a convention of women assembled in one of the largest churches in St. Paul. A call asking each county to send delegates, had been sent out some time before, and every county in the state was represented in the convention. Mrs. F. B. Clarke and Mrs. H. F. Brown were appointed the national lady managers from Minnesota by the president of the United States, Mrs. P. B. Winston and Mrs. M. M. Williams being named as alternates. Seven women delegates and seven alternates, one of each from every congressional district, were elected at the St. Paul convention to act in conjunction with those appointed by the president; and thus the "Woman's Auxiliary," came into existence.

Frequent meetings were held by the auxiliary, everything relating to the Women's department being submitted to them for the final arrangement of details. The selection of a state flower for Minnesota is due to this organization of patriotic women. At one of the meetings some one observed that other states had a state flower, and it was asked, "why not Minnesota?" After some discussion of the subject it was decided to leave the question of selection to a popular vote of the women of the state. But confusion was likely to arise. There were hundreds of beautiful blossoms, indigenous to the soil of Minnesota, every one of which would have its advocates. Finally the state botanist was called upon to select a list of flowers from which a choice should be made. He suggested five flowers, all natives of Minnesota, viz.: The Silky Aster, the Indian Pink, the Lady Slipper, or Moccasin Flower, the Wild Rose, and the Cone flower, better known as Brown-eyed Susan. Printed tickets were sent out to the various women's clubs, etc., throughout the state, and returns were required to be made to the officers of the auxiliary within a certain time. The interest was wide-spread, votes being received from every hamlet in the state. When the votes were all in and counted, it was announced that the Moccasin Flower had won by an overwhelming majority. A petition from the women to the legislature of 1893, led to the passage of

a resolution by both branches, formally and officially adopting, as the state flower, the choice of the women.

Not long after the adoption of the flower, the question came up in the legislature as to the advisability of adopting a state flag; and after some deliberation they passed an act creating a commission of six women to agree upon a design that should embrace the following features: One side of the flag to be white and the other blue; in the center of the white ground to appear the state seal, surrounded by a wreath of moccasin flowers; around this design to be nineteen stars, symbolic of the fact that Minnesota was the nineteenth state admitted into the Union; at the bottom of the whole design was to be the word "Minnesota" in plain letters.

The women appointed upon the commission were Mrs. Franklin L. Greenleaf, Mrs. A. A. White, Mrs. Edward Durant, Mrs. F. B. Clarke, Mrs. H. F. Brower, and Mrs. A. F. Stebbins. The design accepted by them was presented by Mrs. Edward H. Center of Minneapolis. In preparing her design Mrs. Center followed as closely as possible the provisions of the act, and a handsome flag was the result. It was used in connection with the moccasin flower in decorating the state building at the World's Fair. On top of the flag-staff is a golden gopher, emblematic of the popular name of Minnesota—the "Gopher State." The original flag is kept at the governor's office in the capitol.

In the legislature of 1893 the senate was composed of 25 Republicans, 16 Democrats, 13 Populists and 5 "Fusionists," the latter being the representatives who were elected in certain districts by a coalition of the Democrats and Populists.

This assembly—the twenty-ninth—met on January 3, 1893, and remained in session until April 19.

Knute Nelson, the eleventh state governor of Minnesota, who was inaugurated on January 4, was born near Bergen, Norway, February 2, 1843. When he was about three years of age, his father died, and in 1849 he came with his mother to America. They first settled in Chicago, but in the fall of 1850 removed to Wisconsin, where Knute grew to manhood. Upon the breaking out of the Civil war, he left school to take up arms in defense of his adopted country. He enlisted as a private in the Fourth Wisconsin volunteer infantry; and, as a private and non-commissioned officer, was in the field from May, 1861, to July, 1864. At Port Hudson, Louisiana, June 14, 1863, he was wounded and captured, remaining a prisoner until the place surrendered on the eighth of July, and living meanwhile upon a diet of cornbread,

mule meat and sassafras tea. After being mustered out of the service, he returned to Albion academy and finished his course there in 1865. He then took up the study of law, and in 1867 was admitted to the bar. In 1868-69 he served in the Wisconsin legislature, and in August, 1871, located at Alexandria, Minn. The next year he was elected county attorney of Douglas county, holding the position two years. From 1875 to 1878 he was a member of the state senate. In 1882 he was elected to congress from the Fifth district, and was twice re-elected. He was nominated for governor, in 1892, by acclamation, was elected, and was re-elected in 1894. Soon after his second inauguration, he was elected to succeed W. D. Washburn in the United States senate, and at the expiration of the term was re-elected. His intellectual power was strikingly shown in the recent protracted debate in congress on the bill for the admission of several new states.

Cushman K. Davis was re-elected to the United States senate, receiving 87 votes, to 49 for D. W. Lawler, the Democratic candidate, and 23 for Sidney M. Owen, the candidate of the People's party.

The assembly passed an act appropriating seventy-five thousand dollars to purchase seed wheat for farmers who had been unfortunate with their crops in 1892. The appropriation was in the nature of a loan, farmers availing themselves of the provisions of the act to pay for the seed grain advanced out of good crops in the future.

A state elevator with a capacity of two million five hundred thousand bushels, was ordered erected at Duluth. Before anything could be done toward its construction, the courts were asked to enjoin the state authorities from building it. The lower court decided that the state had the constitutional right to build the elevator, but the supreme court reversed the decision.

On April 7 an act was passed appropriating two million dollars for a new state capitol, and a small tax was levied to raise the amount. The collection of this tax was to begin in 1895, and continue not longer than ten years. A board of capitol commissioners, to be appointed by the governor, and to consist of seven members, one from each congressional district, was provided for. Governor Nelson appointed the following board (the names being given in the order of the congressional districts): H. W. Lamberton, of Winona; James McHench, of Fairmount;* George A.

* Mr. McHench died April 27, 1895, and was succeeded on the board by Daniel Shell of Worthington. Shell resigned January 16, 1896, and was succeeded by Edgar Weaver of Mankato.

DuToit, of Chaska; Channing Seabury, of St. Paul; John DeLaitre, of Minneapolis; Charles H. Graves, of Duluth, and E. E. Corliss, of Fergus Falls. This board met and organized for business on May 13. After the Gettysburg tablet, ordered by the legislature of 1887, had been cast, it was discovered that it bore no record of the state's two companies of sharpshooters that participated in the engagement. An appropriation of two hundred dollars was made by the assembly of 1893, to rectify the mistake, by having the tablet recast with the two companies included.

An appropriation of one hundred seventy-five thousand dollars for a new library hall at the state university, and one of thirty thousand dollars for a gymnasium and drill hall at the same institution, were also made.

The appropriation of fifty thousand dollars, made by the assembly of 1891, for the exhibit of Minnesota's products at the World's Columbian Exposition, was found insufficient to provide a display of a creditable nature, and on February 27, 1893, a bill appropriating one hundred thousand dollars additional was passed. H. B. Moore, O. V. Tousley, T. C. Kurtz and M. N. Deland had been appointed as the Minnesota members of the national board of managers; and, with one hundred fifty thousand dollars at their disposal, they went to work to prepare a display that would do honor to the state. In this work they were assisted by the state commissioners, the national lady managers and the woman's auxiliary.

Visitors to the World's Fair may remember the Minnesota state building, standing at the junction of two avenues, near a pretty little artificial lake. The space granted to the state was a lot nearly two hundred feet square. Sufficient room for some exterior decoration, in which the newly selected state flower should play a conspicuous part, was left around the building.

Besides the collection of products in the state building, Minnesota had exhibits in all the general buildings; and the list of awards speaks for the creditable character of these displays. Out of a total of about three hundred exhibits of cereals, Minnesota took more than two hundred awards. In other lines, also, a high record was maintained, 66 awards being received on flour; 40 on minerals; 98 on live stock, and 21 on poultry. October 13, the thirty-sixth anniversary of the adoption of the constitution, was "Minnesota Day" at the fair. Hundreds of people from the state visited the exposition on that occasion, and returned home imbued

with pardonable pride in the possibilities of their beloved commonwealth.

Prior to 1893 Minnesota, in common with the other states of the Union, had for several years enjoyed an era of unusual prosperity. New immigrants every year had added to the wealth producing power of the state. New avenues of transportation had constantly been opened, and had brought fresh territory under the dominion of civilization. The public finances and institutions had been in a healthful condition. The agricultural districts had recovered from the devastations of the locusts, and the hum of industry had been heard throughout the state.

But, as frequently happens during periods of good fortune, speculation became rife. It seems to be a law of human nature, that men seek to gratify their desires with the least possible exertion. In the constantly expanding values, everyone saw, or thought he saw, an opportunity to get rich. This was especially true of land values. Prices of real estate crept upward for a while; then they soared. Mortgages were common; and everybody got in debt, either on his own account, or by endorsing for his neighbor. Then, like the lean kine of Pharaoh's dream, came the depression of 1893.

Judge Flandrau, in his history of Minnesota, speaking of this panic, says: "Had the cities of St. Paul and Minneapolis been captured by an enemy and a ransom of ten million dollars been demanded from each, paid and carried away, the consequences upon business would not have been worse." For two or three years before this, money had been quietly finding its way eastward. Banks all over the west held an affluence of securities; but found, when the bubble of unbridled credit burst, that they could not be readily converted into currency. The crash was sudden, and the consequences were far reaching; but the people of Minnesota, with an exhibition of energy and fortitude seldom equaled, set to work to regain their losses.

During the year 1894 several discoveries of gold were reported. Some persons while looking for asbestos in Redwood county found gold; but not in sufficient quantities to promise great returns for developing the mines. Similar small deposits were found near Quincy in Olmstead county. At Rainy lake and the Lake of the Woods, ores that assayed as high as twenty-five dollars were found. A stage line was started from Tower, in St. Louis county, to the new gold fields, and, for a little while, quite an excitement prevailed. But the ores were difficult to work,

and, after a few months, most of the gold seekers returned to the less alluring, but more trustworthy, occupations of lumbering and agriculture.

More timber-land frauds were uncovered this year. A committee of investigation reported that, in all the timber transactions of state auditors Bierman and Braden, not one valid sale had been made a matter of record. One method was to lease the timber lands for a term of five years, under the law authorizing the leasing of mineral lands. During the life of the lease the timber would be cut off, but no effort whatever would be made to open or operate mines. Out of more than three thousand of these leases, only three hundred and thirty-one were really mining contracts. The report also found the surveyor general guilty of gross negligence or dishonesty. According to this report the parties cutting the timber would, in many instances, secure the appointment of one of their employers as state scaler, in which case the surveyor general could pocket the scaler's fees. In one of these instances the scaler reported three hundred fifty-seven thousand feet of timber taken, when in fact seven million had been removed from the tract.

On July 11, Republican delegates from all the counties assembled at St. Paul and nominated candidates for the various state offices. Governor Nelson was re-nominated, and the rest of the ticket was as follows: For lieutenant-governor, David M. Clough; secretary of state, Albert Berg; auditor, Robert C. Dunn; treasurer, August T. Koerner; attorney-general, H. W. Childs; clerk of the supreme court, Darius M. Reese; chief justice of the supreme court, Charles M. Start; associate justice, Loren W. Collins. On national issues it was declared that the Republicans of Minnesota believe in the use of both gold and silver as money; that the restoration of silver as ultimate money to the world's currency was necessary for business prosperity, and that the United States should do everything possible to restore bimetallism. The protective tariff policy was favored; a term of six years for the president of the United States was recommended, a re-election to be prohibited by law. On matters pertaining to the state, the convention favored legislation that would promptly secure ample and convenient warehouse accommodations and speedy transportation, render corporations amenable to public control, and guarantee reasonable rates, etc.

The Populist state convention met the next day and nominated Sidney M. Owen for governor; E. E. Lommen for lieutenant-

governor; P. J. Seberger for secretary of state; A. L. Stromberg for auditor; F. Borchert for treasurer; J. A. Keyes for attorney general; Sumner Ladd for chief justice; John W. Willis for associate justice, and C. H. Johnson for clerk of the supreme court. The Omaha platform of 1892 was re-affirmed; the enforcement of all laws relating to corporations was demanded; centralization was opposed; state management of the liquor traffic and woman suffrage were recommended; and the arrest and imprisonment of Eugene Debs and his associates was characterized as unwise, unjust, and a dangerous encroachment of the Federal judiciary upon the rights and liberties of the people.

The Prohibitionists nominated H. S. Hilleboe for governor; C. M. Way for lieutenant-governor; C. E. Winger for secretary of state; S. S. Johnson for auditor; F. L. Hanson for treasurer, and J. E. Childs for attorney general. For the suppression of the liquor traffic the remonetization of silver, suffrage and equal wages for women, the restriction of immigration, compulsory arbitration in all disputes between labor and capital, the election of president and United States senators by a direct vote, laws prohibiting child labor, and government control and ultimate ownership of railroads, etc., demands were forcibly made in the platform.

On September 6, the Democratic state convention assembled at St. Paul. Following is the personnel of the ticket nominated: Governor, George L. Becker; lieutenant-governor, John Ludwig; secretary of state, Charles J. Haines; auditor-general, Logan Breckenridge; clerk of the supreme court, Thomas Kurtz; chief justice, Seagrave Smith; associate justice, John W. Willis. The platform adopted was short. President Cleveland's administration was commended; the American Protective association was denounced; legislation that would permit the public funds to be invested in school and municipal securities of the state was favored; and the free coinage of silver, when consistent with a "sound and safe currency," was advocated.

Governor Nelson was re-elected, receiving 147,943 votes, to 87,890 for Owen, 53,584 for Becker, and 6,832 for Hilleboe. An amendment to the constitution, authorizing an inheritance tax, was ratified. The most sweeping victory for the Republicans was in the election of the legislature. On joint ballot they had 141 members, to 13 Democrats and 14 Populists.

Four hundred and seventeen people lost their lives, and more than two hundred were rendered homeless and penniless, by a forest fire in Pine county on the first of September, 1894. The

fire swept over a tract of almost four hundred square miles, completely destroying the little towns of Hinckley and Sandstone and entailing a property loss of more than a million dollars. Soon after the fire a convention was held under the auspices of the St. Paul Commercial club, to prepare a bill for the protection of the forests of the state. The act suggested provided for the appointment of a chief fire warden by the auditor of state, under whose direction the local wardens should work. Local officials in towns and cities were made fire wardens in their respective districts, and a system for the prevention of fires, that has doubtless been of great value to the state, was thus established. Gen. C. C. Andrews was the first chief fire warden appointed under this act, and to his executive ability is due, to a large extent, the success of the system.

The legislature of 1895 met on the eighth of January. Samuel R. VanSant was elected speaker of the house. Four Republican candidates for the United States senate were presented: W. D. Washburn, the present incumbent; Gov. Knute Nelson; S. G. Comstock, and James T. McCleary. Judge William Mitchell received the unanimous support of the Democrats, and Ignatius Donnelly, of the Populists. Balloting was continued until January 30, when Governor Nelson was elected, receiving 102 votes out of a total of 168.

This legislature passed acts prohibiting the employment of children under the age of fourteen years in factories, limiting the number of convicts to be employed in any productive occupation to ten per cent of the number of free workmen in the same, proclaiming Lincoln's birthday a legal holiday, and forfeiting the grant of fifty-five thousand acres of land given to the Hastings and Dakota railroad, because the corporation had ceased to exist.

On April 2, the establishment of a normal school at Duluth was authorized on condition that the people of that city should donate a site of not less than six acres, and that no money should be paid out of the state treasury for the benefit of the institution until the following year.

An appropriation of fifteen thousand dollars with which to purchase a site for the fourth insane hospital, and another of two thousand dollars with which to pay the expenses of a commission to select the location, were made at this session. This hospital was planned to be within easy distance of St. Paul and Minneapolis. It was finally decided to locate it at Anoka.

Perhaps the law of most general interest passed by this legislature was that known as the "Corrupt Practice Act," which had

for its object the prevention of corruption in political campaigns. It defines bribery to consist of three factors: The giving of money or other thing of value to secure political support; the receiving of the same; and the contributing to a fund, knowing that it is to be used for corrupting the elective franchise. The penalty for either of these three offenses was fixed at a fine of five hundred dollars, or five years in the state prison. Force or coercion to influence the vote of any elector was made punishable by imprisonment for three months in the county jail.

Candidates were allowed to expend a reasonable sum of money in making their canvas; but were required to confine such expenditure to legitimate expenses, such as railroad fare, hotel bills, hall rent, etc. The amount to be thus used by the candidate was limited to \$250 for 5,000 votes or less; with \$2.00 additional for each 100 votes over 5,000 and up to 25,000, and \$1.00 for each 100 votes over 25,000 and up to 50,000. Every candidate for a state office was required to file with the auditor of state, within thirty days after the election, a detailed statement of his expenses through the campaign. Failure to comply with this provision rendered him liable to a fine of one thousand dollars. Where committees disbursed money for campaign purposes, all such disbursements were to be made through a treasurer, who was required to file a report, within thirty days, with the county auditor, or become subject to a fine of one hundred dollars. The candidate receiving the second highest number of votes, might bring charges within ten days after report of expenses were filed; but was required to give bond in the sum of one thousand dollars, as an evidence of good faith. Upon the charges thus filed the state might bring an action against the accused for violation of the law. While the law did not accomplish all that was claimed, it was productive of good results, and reflected credit upon the efforts of Minnesota's law-givers, to secure pure politics and honest elections.

A proposition to hold a state convention for the purpose of revising the constitution, or of making a new one, was passed, and ordered submitted to the people for their acceptance or rejection at the general election in 1896.

An appropriation of three thousand dollars, to purchase ten acres of ground on the site of old Fort Ridgely, and erect a monument of stone and bronze to commemorate the gallant defense of the fort during the siege in the Indian uprising of 1862, was made by this legislature. To carry out the provisions of the act, the governor was authorized to appoint a commission

of seven persons, with power to select a design for a monument, decide on the inscriptions, purchase the site, and draw upon the appropriation for payment. Two of the commissioners were to reside in St. Paul, two in Nicollet county, one in Redwood, one in Renville, and one in Winona county. In a long preamble to the act, it was set forth that the United States government built the fort in 1851; and then, after describing the defense of the fort and the death of Capt. John F. Marsh and several of his heroic band, it was declared that, "The stubborn resistance offered by Fort Ridgely was largely instrumental in saving the State of Minnesota from devastation and destruction by the Sioux." After the war the fort was abandoned, the settlers were removed upon the reservation, and the old buildings were destroyed. To preserve the historic importance of the old fort, the act ordering the monument upon the site was passed. Governor Clough appointed on the commission Judge Charles E. Flandrau, B. H. Randall, A. A. Stone, M. E. Powell, Charles J. Hopkins, Timothy J. Sheehan and Albert Anderson. R. G. Holcomb was made secretary. So well did these commissioners perform their duty, that in a little over a twelve-month the monument was finished.

A few days before the passage of this act the legislature had made an appropriation of one thousand two hundred dollars to purchase not less than five, nor more than ten, acres, upon the site of Major Brown's desperate defense at the battle of Birch Coolie, in Renville county, and to erect an appropriate monument there. It has been said that "Republics are ungrateful." This hardly applies to the State of Minnesota. Almost an entire generation after the scenes of carnage at Birch Coolie, Fort Ridgely and Gettysburg, her fallen heroes are remembered. Inspired by noble and patriotic impulses, her citizens have there erected monuments, as lasting as the hills themselves, to tell for ages of glorious deeds of valor and bear witness to the loyal memories of a grateful people. In the home provided by the state, the infirm or disabled veteran may pass his last days in peace and comfort—not upon pittance doled out with a grudging hand; but with the knowledge that, although a ward of the state, he is honored by being an inmate of an institution established by a generous commonwealth to care for those who fought to hand down to their posterity a Union undivided.

In the summer of 1895 the capitol commissioners selected a site for the new building. It contains nearly eight acres, and is bounded on the north by University avenue; on the east by Cedar

street; on the south by Wabasha and Central avenues; and on the west by Park avenue. The new location was to be paid for out of the proceeds of the tax for the first four years. On October 30, Cass Gilbert, an architect of St. Paul, was commissioned by the board to prepare plans, which were afterward adopted.

Early in 1896 the Indian reservation at Red Lake was reduced to about one-fourth of its former size, and on the fifteenth of May a large tract of land thus acquired by the United States was opened for settlement.

The political campaign of 1896 was one of the most exciting in the history of Minnesota. Although both of the leading parties had, in former campaigns, declared in favor of remonetization, and, in some instances, in favor of the free coinage of silver, the Republican convention of March 24, to select delegates to the national convention at St. Louis, declared in favor of the gold standard, and instructed the delegates for McKinley; while the Democratic convention, which met in June for the purpose of choosing national delegates, also declared for the gold standard, 436 voting in the affirmative and 323 in the negative.

The Republican state convention for the nomination of a state ticket, met on the first of July. David M. Clough was nominated for governor and John L. Gibbs for lieutenant-governor. All the other officers were re-nominated. They adopted a platform, in which the work of the national convention and the administration of Governor Nelson were approved. Taxation of unused railroad lands was advocated, and legislation favorable to labor was favored. When the resolution endorsing the St. Louis convention was adopted, a number of the delegates who believed in bimetallism and the free coinage of silver as the best way to secure it, left the convention. These delegates arranged for a mass convention of free coinage advocates, to meet at Exposition hall in Minneapolis on July 16. Prominent in this assembly were Congressman Charles A. Towne, of the Duluth district; John Lind, of New Ulm; Ex-Lieut. Gov. Alphonse Barto, and Ex-Chief Justice C. E. Vanderburg. No nominations were made, but the way for an alliance of all the free coinage forces in the state was paved.

When the Democratic state convention met at Minneapolis, on the fifth of August, John Lind was nominated for governor; Julius J. Heinrichs, for secretary of state, and Alexander McKinnon, for treasurer. The Chicago platform, as enunciated by the national convention, was endorsed; and legislation to tax iron mines and unused railroad lands and to secure good roads was

avored. The election of United States senators by popular vote was demanded; the Republican party was denounced as being controlled by corporations, rings and trusts; and all efforts of employers to control the votes of employes were condemned.

Several places on the ticket had purposely been left vacant, to be filled by the nominees of the Populist party. On the twenty-sixth of August a Populist convention met at Minneapolis, endorsed the work of the Democratic convention, and completed the ticket by the nomination of J. B. Bowler for lieutenant-governor and John A. Kass for attorney general. Other candidates for governor as follows were placed in the field: W. J. Dean, by the Prohibitionists; W. B. Hammond, by the Socialist Labor party, and A. A. Ames, who ran as an independent candidate. Five presidential tickets were also presented to the people. Besides the Democratic and Republican candidates, there were General Palmer, the nominee of the National, or Gold Standard Democrats; Levering, Prohibitionist, and Matchett, Socialist Labor.

While the presence of so many parties in the campaign served to awaken a general interest and arouse a certain curiosity in the minds of many as to the result, the proportions of the vote did not differ materially from that of former elections. For president, McKinley received 193,503 votes; Bryan, 139,735; Levering, 4,348; Palmer, 3,222, and Matchett, 954. In the gubernatorial race the "Fusionists" made a better showing. Clough received 165,906 votes; Lind, 162,254; Dean, 5,154; Ames, 2,890, and Hammond, 1,125. All the other Republicans on the state ticket were elected by larger pluralities than that received by Governor Clough.

Nine constitutional amendments of which eight were ratified were voted on at this election. The first, authorizing the taxation of railroad lands, received 235,585 votes for to 29,530 against it. The second, converting the interest on the land funds to the purpose of building roads and bridges, was ratified by a vote of 152,765 to 28,991. The third, creating a board of pardons constituted by the governor, the attorney general and the chief justice of the supreme court, received about the same majority, in a slightly smaller vote. The fourth, relating to the qualifications of voters, was ratified by a majority of 45,526 in a very light vote. The fifth authorized the legislature to classify the cities of the state according to population and to pass general laws allowing the cities of each class to make their own charters. This amendment received 107,086 votes to 58,312 against it. By about the

same vote the amendments relating to the conversion of private property to public use, and authorizing the investment of the school and university funds in city and school district securities, were adopted. A tax upon sleeping car companies, etc., was authorized by a vote of 163,694 to 42,922.

Since the first adoption of the constitution, a large number of amendments had been added previous to the adoption of those mentioned above. For several years prior to 1896, scarcely a legislature had met in which one or more amendments had not been passed by the legislature, submitted to the people, and ratified in due course. As far back as Governor Austin's administration, the agitation for a constitutional convention to thoroughly revise the organic law, or make a new one was begun. When the legislature of 1895 referred to the people a proposition to hold such a convention, the most progressive men in the state hoped and worked for its ratification. They realized that the constitution, through numerous amendments, had become a patchwork, deficient in many particulars, and not adapted in others to the means of the state. The world moves; people progress; states evolve; while constitutions remain immutable. Minnesota had outgrown her constitution. True, it contained a number of good features at the time it was proposed to hold a convention for its revision. But these could be retained, new ones added, and antiquated provisions expunged. Such were the arguments used in favor of the convention. A great deal of interest in the question was manifested during the campaign, and yet, on election day, less than half the voters expressed their choice in the matter. The total number of votes cast for president was 341,762. Those in favor of the convention numbered 96,308 and those opposed to it 70,568. Notwithstanding the proposal received a majority of the votes cast on that particular question, it failed to receive a majority of all the votes cast at that election, as required by the constitution, and was therefore lost.

On the twentieth of August the monument at Fort Ridgely was dedicated with appropriate ceremonies. Special trains bearing the state officers and hundreds of prominent citizens to witness the unveiling, were run from St. Paul and Minneapolis. Hundreds more drove across the country for miles, and at noon the little village of Fairfax was thronged with people. Judge C. E. Flandrau, of St. Paul, was the orator of the day; and, in well chosen words, gave the history of old Fort Ridgely, and paid a glowing tribute to the little band of heroes, who, under the command to the intrepid Lieut. Timothy J. Sheehan of Company C.,

Fifth Minnesota infantry, so gallantly defended it during the nine days siege. In closing, Judge Flandrau said:

"The state, fairly recognizing the historical importance of the victory won at the fort, to commemorate the event, has erected the stately monument which we dedicate to-day. As it speaks to the world with its tongue of bronze, it is in memory of the fallen, in recognition of the living, and for the emulation of future generations. The committee, to which was entrusted its design and erection, has completed its labor; and now, sir, through you, we deliver it to the state, to remain for all time as an evidence that Minnesota appreciates and will reward the gallantry of her sons, who live for her honor and who die in her defense."

After Judge Flandrau had concluded, Captain McGraw of Duluth, one of the survivors of the force that defended the fort, delivered an address that was replete with reminiscences of the Sioux War.

The monument is of granite and bronze, twelve feet square at the base, and forty-two feet six inches in height. Bronze tablets on the four sides bear inscriptions giving a brief history of the Indian outbreak, the muster rolls of the companies B and C of the Fifth Minnesota infantry, of the Renville rangers, and of the company of citizens under Capt. B. H. Randale, who fought with the troops to repel the Indians, and a list of the names of the women who assisted in the defense of the fort.

In addition to the ceremonies of dedicating the monument, bronze medals were given to the survivors of the Fort Ridgely siege. On one side of the medal was a picture of the old fort with the words, "Defender of Fort Ridgely, August 27, 1862." Over the flag-staff, in a scroll, were the Indian words "Ti-yo-pa-na-ta-ka-pi" (It shut the door against us). On the reverse side, within a wreath of moccasin flowers, was the inscription: "Presented by the State of Minnesota to"

When the good people of Minnesota arose from their beds on the morning of September 7, 1896, they were shocked to learn that the fair name of the state had been tarnished the night before by the action of a mob. Two men named Dorman Musgrove and Henry Cingmars had been taken from the jail at Glencoe, in McLeod county, and hanged by a concourse of exasperated citizens. On the twenty-fourth of June preceding, a farmer named Mathews, living a short distance north of Glencoe, was waylaid and robbed. He recognized Musgrove and Cingmars as his assailants, returned to town, and swore out a warrant for their arrest.

Sheriff Joseph Rogers, armed with the warrant, learned that the men had gone southward, and started in pursuit. About four miles from town he overtook them and ordered them to surrender. Musgrove, who was armed with a Winchester rifle, fired upon the sheriff, killing him instantly. The news spread like wild-fire, and a posse of five hundred citizens was soon organized. Under the leadership of H. F. Sandman, who had been appointed sheriff, this posse followed the ruffians, and on the next day, surrounded them in a swamp in Sibley county.

Fearing that the incensed populace would wreak summary vengeance upon the two men, Sheriff Sandman asked the governor for a detachment of militia to protect the prisoners and preserve order. Company D of the First regiment arrived on the scene about midnight, and the men were taken to Ramsey county and lodged in jail until September, when they were taken back to McLeod county for trial. They were given separate hearings. Musgrove was tried first, and, by some technicality, was found guilty of murder in the second degree, his sentence being imprisonment for life. Cingmars asked for a change of venue, which was granted, and, while the two men were in jail, one waiting to be taken to the penitentiary and the other to a different county for trial, the populace quietly organized, proceeded to the jail, overpowered the jailer and the night guard, took the men out, and, after hanging them, dispersed as quietly as they had collected, and returned to their homes.

CHAPTER VII

From Clough to 1903

DAVID MARSTON CLOUGH, the twelfth governor of the State of Minnesota, was born in Grafton county, N. H., December 27, 1846. When he was about nine years old, his parents removed to Waupaca, Wis., and two years later to Spencer Brook, Isanti county, Minn. The greater part of his education was acquired in the common schools. While still in his teens, he went to work in the lumber business, and at the age of thirty-five he was at the head of one of the largest lumber firms in the state. In the meantime he had become a resident of Minneapolis where, in 1885, he was elected a member of the city council, and later was chosen president of that body. From 1887 to 1891 he was a member of the State senate. In 1892 he was nominated for lieutenant governor by the Republican convention, and was elected in November. He was re-elected in 1894, and upon the election of Gov. Knute Nelson to the United States senate in January, 1895, he succeeded to the office of governor, served out the remainder of the term, and was elected governor in 1896. His inauguration took place on January 7, 1897.

In the closing days of 1896 and the opening days of 1897, an incipient panic startled the commercial circles about the Falls of St. Anthony. The Marine National bank had suspended in October, and everybody hoped that it was the last disaster of the panic that began in 1893. On the twenty-second of December the Bank of Minnesota, of St. Paul, closed its doors, and, within a few days, three other banks in the city—the Germania, the Allemania and the West Side—likewise failed. These disasters were immediately followed by the suspension of three banks of

Minneapolis, among them being the Minnesota Savings bank, which failed on January 18.

The legislature of 1897 met on the sixth of January, with George T. Barr president pro tem. of the senate and B. D. Jones speaker of the house. Of the large number of acts passed, only a few were of general interest. A military code providing for the re-organization of the militia, was adopted, April 14. An act regulating the time of holding political conventions, and another giving local councils and boards of supervisors the option to introduce voting machines on a two-thirds vote were passed. Games of sport on Memorial day in towns conducting memorial exercises were prohibited. April 6, an act organizing all the unorganized counties in the state, was passed, and the next day it was provided that a donation of fifty thousand dollars would entitle the giver to endow a professorship in the state University. This assembly passed appropriations amounting to nearly two million dollars, for the support of the state's institutions. A bill dividing merchandise into fifty-nine classes and fixing a graduated occupation tax upon each class, was introduced. The object of the bill was to abolish department stores, but it failed to pass.

Early in April the town of Moorhead, in Clay county, was seriously damaged by a flood. The Red river rose to the highest point ever known, and a large section of the country in the vicinity of the town was completely inundated. To make matters worse, the current was filled with huge cakes of floating ice, that rendered extremely perilous any attempts to save the household effects of those who had been compelled to leave their homes. The water reached such a height, that it flowed over the railroad tracks on the Northern Pacific bridge, but after the sixth it gradually subsided. The property loss was large. Hundreds of homes were either partially or entirely destroyed; fences were demolished, live stock was drowned, and a few lives were lost.

About noon on the first day of July, a special train of eight coaches reached the town of Gettysburg, Penn. It came from St. Paul, bearing Governor Clough and his staff, the surviving members of the old First Minnesota, and a number of prominent citizens, to participate in the dedication of the Minnesota monument upon that historic field. At Gettysburg they were met by a party from Washington, among whom were senator C. K. Davis and his wife and several of the Minnesota congressmen.

The next day the ceremony of dedicating the monument was performed. Judge Lochran, one of the survivors of the regiment, was master of ceremonies. After prayer by Dr. McKnight

of Gettysburg college, Governor Clough made the speech of formal dedication, which was responded to by Col. E. B. Cope, the government engineer in charge of the park. The monument was accepted as Minnesota's tribute to her heroic sons. Judge Lochran and Senator Davis next delivered addresses, after which a recess was taken for luncheon.

When all were re-assembled, Col. William Colville, of Red Wing, reviewed briefly the history of the regiment. His appearance upon the platform was the sign for a round of applause that was both generous and sincere. The grizzled old veterans present remembered how they had listened to Colonel Colville's voice on that self-same field more than thirty years before, when it rang out the command to charge the enemy's lines. They felt themselves young again as they recalled how gladly they had obeyed that command, and, like the immortal six hundred at Balaklava, flung themselves into "the jaws of death." Again they saw Longstreet's men halt, then waver, then turn and fly before the impetuous onslaught. Again they saw the meager remnant of their Spartan band come marching back with the enemy's colors as a trophy of victory. Again they heard the shout of triumph proclaiming that their fearless charge had helped to turn the tide of battle and that the field was won. And then with a tear of sadness they remembered the cost. Out of the 262 men who went into that charge less than one-fifth returned. The Minnesota monument at Gettysburg is surmounted by the bronze figure of an infantryman, in the position of charging upon the enemy, significant of the part that the First Minnesota played in one of the world's decisive battles.

In the spring of 1896, Architect Gilbert submitted his plans for the new capitol. They were accepted by the board of commissioners, who decided upon granite as the material for the first story and white Georgia marble for the superstructure. The total length of the building, exclusive of the steps, is 433 feet, the average width through the main portion, 120 feet, and the width through the central wings, 228 feet. From the center of the building rises a massive marble dome, the ball on the top being 220 feet above the first step at the entrances. The legislature of 1897 authorized the commissioners to issue certificates of indebtedness, not to exceed five hundred thousand dollars, bearing four per cent interest, in anticipation of the revenues to be derived from the capitol tax, and to proceed with the erection of the building. During the years 1897-98, certificates to the amount of three hundred fifty thousand dollars were sold at a

premium that reduced the rate of interest to about three and one-third per cent.

On the twenty-seventh of July, 1898, citizens from all parts of the state gathered to witness the laying of the corner stone. Beginning with an invocation by Archbishop John Ireland, the ceremonies were appropriate and impressive. Senator Davis was the orator of the occasion; and those who heard his powerful address returned to their homes with a higher conception of the duties and responsibilities of American citizenship and a deeper love for their native state.

Ex-Governor Ramsey laid the corner-stone. It was eminently fitting that he should be chosen for the work. For almost half a century his life had been one of the strongest threads in the marvelous woof of Minnesota. Forty-nine years before, he had come to Minnesota as the first territorial governor. No capitol with echoing corridors or marble dome was there then. As governor of the Territory, he had read his first message to the legislature in the dining room of the old Central House, now long since disappeared. He had seen the State in which he had played so conspicuous a part, grow from that humble beginning to one of the most prosperous of American Commonwealths. With a silver trowel presented by the citizens, he spread the mortar, and the granite block was settled in its resting place.

C. H. Graves of Duluth, on behalf of the commissioners, delivered a short address, and the benediction was pronounced by Bishop M. N. Gilbert. From that time work on the building was carried steadily forward, though at the beginning of the year 1904 it was not yet completed.

In no state of the American Union did the people sympathize more deeply with the Cuban patriots in their struggle for independence than did the people of Minnesota. Educated in the school of the frontier, where every passing breeze breathed the spirit of liberty, they recoiled in every fiber of their being at the thought of oppression. When the battleship Maine was blown up in Havana harbor, on the fifteenth of February, the feeling toward Spain grew more embittered all over the United States. This feeling increased daily until April, when many foresaw that war was inevitable. Minnesota did not wait for a formal declaration. Believing that there is sound philosophy in the old adage, "In time of peace prepare for war," the adjutant general, on the eighteenth of April, issued the following order:

"Commanding officers of the infantry companies and artillery batteries composing the national guard will immediately take

steps to recruit their commands up to one hundred men each. All recruits above the maximum peace footing of seventy-six men will be carried upon the muster roll as provisional recruits, to be discharged in case their services are not needed for field service."

A week later congress passed a resolution declaring that war against Spain had existed since the twenty-first of the month. Immediately upon the passage of the resolution, the secretary of war telegraphed to the various States the number of troops that each would be expected to furnish. That was on the twenty-fifth of April. As soon as the telegram from the War department was received at St. Paul, the following order was issued by the adjutant general:

"In obedience to orders this day received from the honorable secretary of war, calling upon the State of Minnesota for three regiments of infantry as volunteers of the United States, to serve two years or less, and as the three national guard regiments have signified their desire of entering the service of the United States as volunteers, the First, Second and Third Regiments of infantry of the national guard of the State of Minnesota will immediately make preparations to report to these headquarters upon receipt of telegraphic orders, which will be issued later."

Three days later the adjutant general issued the order for the mobilization of the troops, and the following telegram was sent to the commanding officer of each of the three regiments in waiting: "The First, Second, and Third Regiments of infantry are hereby ordered to report at St. Paul on Friday morning, April 29, 1898, not later than eleven o'clock, with one day's cooked rations in their haversacks."

The men arrived within the time mentioned in the order, and on the afternoon of the twenty-ninth went into camp at the state fair grounds. This was the thirty-seventh anniversary of the day when the First Minnesota was mustered into service for the Civil war. During the war Minnesota furnished eleven regiments of infantry. Therefore, when the First, Second, and Third regiments of the national guard were mustered into the United States service in 1898, the regimental numbers were changed to the Twelfth, Thirteenth and Fourteenth infantry.

On the sixteenth of May the three regiments left Camp Ramsey, at the state fair grounds. The Twelfth regiment went first to Camp George H. Thomas, at Chickamauga Park, Ga., where it arrived on the nineteenth, and was assigned to the First

brigade, Third division, First army corps. August 23, it was removed to Camp Hamilton, Ky., and remained there until the fifteenth of September, when it was ordered back to New Ulm, Minn. On the twenty-first of September the men were given a thirty days' furlough, at the expiration of which they returned to camp and on the fifth of November were mustered out of the Federal service.

The field and staff officers of the Twelfth regiment were as follows: Colonel, Joseph Bobleter; lieutenant colonel, Frank B. McCoy; majors, George W. Mead, Arthur W. Wright and George S. Whitney; regimental adjutant, Louis G. Vogel; quartermaster, with rank of first lieutenant, John Lind; chaplain, Ezra C. Clemans; battalion adjutants, with rank of first lieutenant, William H. Caine and William H. Rowe; regimental sergeant major, A. F. Koch; regimental quartermaster sergeant, A. D. DeMay; chief musician, John Safeanck; principal musician, Hugh J. Thomson; hospital stewards, Walter J. Kendall and Abe N. Gunz; battalion sergeants major, Frederick Straub, Nurdette C. Thayer and Frederick J. Sheppard. When the regiment was mustered out, and before parting with the men, Colonel Bobleter issued the following address, in part:

"The history of the Twelfth Minnesota volunteer Infantry is made up. It is not what you or I would have liked to make it, but the fault was not ours—the opportunity was not given. You can return to your homes and truthfully say that you served in one of the best regiments in the volunteer army of the United States during the Spanish-American war of 1898. The discipline of the regiment has always been good, and the arduous duties you so cheerfully performed at Camp George H. Thomas, Chickamauga Park, Georgia, fitted you for any kind of service. I am pleased to say that I firmly believe that you would have given a good account of yourselves in actions, had the opportunity been presented. Many of you have suffered with disease, nineteen of your comrades have laid down their lives while in the service of their country, and you are entitled to and will receive just as much credit as the men who were at the 'front.' When asked what part you took in the war, make answer: 'I obeyed orders.'"

The Thirteenth regiment was ordered to San Francisco, and, on June 27, was sent to the Philippine Islands, where it arrived on the last day of July. On the seventh of August the men were landed at Patanaque, and were ordered to Camp Dewey, where the regiment was added to the Third brigade, Second division,

under General McArthur. In the battle before Manilla, on August 13, the Thirteenth Minnesota led the attack, thirteen of the thirty-six wounded belonging to the regiment. The troops behaved like veterans and were complimented for their conduct while under fire. In his official report to the commanding officer, on the fifteenth, Colonel Reeve said:

"Owing to the peculiar nature of the ground, covered as it is with a dense growth of tropical vegetation, it was impossible for me to observe the individual conduct of the men under my command. Exposed to a withering fire from an unseen enemy, all did their duty with coolness, intelligence and courage, being inspired by the example of the general commanding In this connection I desire to commend the conspicuous daring of Captains Bjornstad (severely wounded), Spear and Metz; of Lieutenants Lackore, Trowbridge, Bunker, Falk and Garcelon; of Sergeant Major Loye, and the intelligent disposition made under heavy fire by Captains Masterman and Morgan."

On the twenty-second of the same month the regiment was detailed for provost guard duty. It remained in that part of the service until March 19, 1899, when it was ordered back to the field. After participating in the battles of Mariquina valley in the latter part of March, it was assigned to the work of guarding the railroad between San Isabel and Mariola. On April 10 and 11, the regiment was engaged in lively skirmishes with the enemy, and the next day took part in the battle of Santa Maria. The Second and Third battalions marched with Lawton's command to the interior, on the expedition that cost their gallant leader his life; while the First battalion was employed in guarding the line of communication between Bigaa Bridge to San Isabel.

On the fourth of August, 1899, the regiment was relieved from further duty, and on the twelfth sailed on the transport "Sheridan," via Japan, for the United States. The transport arrived at San Francisco on the seventh of September, and the troops remained at Presidio Camp, near the city, until October 3, when they were mustered out. On the twelfth of the same month, they reached St. Paul after seventeen months of active service. A warm reception was given the regiment upon its return home. President McKinley and some of his cabinet officers being in Minneapolis at the time, they joined with the citizens in welcoming the Thirteenth back to the soil of Minnesota.

Following is the roster of the Thirteenth regiment: Colonel, Charles McC. Reeve; lieutenant colonel, Wescott W. Price;

majors, F. Wames, John Frederick and Charles A. Cressy; regimental adjutant,* E. G. Falk; quartermaster, William H. Hart; battalion adjutants, Milton S. Mead, Monroe D. Garcelon and Edwin M. Conrad; surgeon, Reynaldo J. Fitzgerald; assistant surgeons, Harry P. Ritchie and Arthur A. Law; regimental sergeant major, Theodor E. Krembs; regimental quartermaster sergeant, Herbert A. Leavitt; battalion sergeant major, Harry B. Dyer, Burt Kenaston and John N. Loye; hospital stewards, Robert J. Miles, Jr., Englehart G. Grau and Austin L. Ward; chief musician, Charles H. Watson; principal musician, Charles U. Towers.

When the Fourteenth regiment left Camp Ramsey on the sixteenth of May, it went directly to Camp Thomas at Chickamauga Park, where it remained until August 28. On that day the men marched eight miles to Rossville, Tenn. On September 20, the regiment was ordered to St. Paul. Ten days later a thirty-day furlough was granted, and on November 18 the regiment was mustered out.

Charles A. VanDuzee was colonel of the Fourteenth regiment; Charles E. Johnson, lieutenant-colonel; Francis H. Bidwell, Edward S. Person and Charles M. Schaeffer, majors; Robert L. Winne, regimental adjutant; Charles C. Salter, Roy G. Staples and Albion Q. Rogers, battalion adjutants; Alexander B. Coxe, regimental quartermaster; Alvinza B. Dole, surgeon; John A. Dorsey and Charles E. Dutton, assistant surgeons; William Colbert, chaplain. The non-commissioned staff officers were: Charles W. Deming, regimental sergeant major; Carl C. Weaver, James T. Watson and Winfield S. Brisbin, battalion sergeants major; Richard D. O'Brien, regimental quartermaster sergeant; John J. Dillery, chief musician; George A. Huse and Peter P. Dietrich, principal musician; Glenn R. Matchan, Wesley G. Matchan and Charles F. Goetzinger, hospital stewards.

About two months after the departure of the first three regiments, there came a second call for troops, and the Fifteenth regiment was organized and mustered into the United States service between the ninth and eighteenth of July. It was officered as follows: Colonel, John G. Shandrew; lieutenant-colonel, Harry A. Leonhaeuser; majors, Paul H. Gotzian and Daniel W. Hand; adjutant, Frederick M. Catlin; quartermaster, William T. Coe; surgeon, Warren A. Dennis; assistant surgeons, Saxe W. Mowers and Charles W. Frye; chaplain, Tell A. Turner; ser-

*In this list all the officers from regimental adjutant to assistant surgeons held the rank of first lieutenant.

geant major, Edward M. VanDuzee, Jr.; quartermaster sergeant, Elmer H. Bierman; chief musician, George H. Snowball; principal musicians, Frank Bark and Robert Hutchinson; hospital stewards, Joseph C. Giene, Frank R. Gallagher and Thomas M. Kehoe.

On the twenty-fourth of August the Fifteenth regiment marched from Camp Ramsey to Camp Snelling, a distance of eight miles. It remained at Camp Snelling until September 15, when it was ordered to Camp Meade, Pa., where it arrived on the eighteenth. While quartered at Camp Meade, Companies B, E, F and L participated in the Peace Jubilee ceremonies, at Philadelphia, on October 27. On November 15 the regiment was ordered to Camp Mackenzie, Ga., where it remained until mustered out March 27, 1899.

Such, in brief, is the history of Minnesota in the Spanish-American war. Of the four regiments mustered into the army of the United States, only one saw active service in the field. But it was not the fault of the men, nor of the state that sent them. In Colonel Bobleter's farewell address, there is a sigh of regret that his regiment was not given an opportunity to participate in the dangers and glories of actual war. Had such an opportunity been offered, there is no doubt that the record of all other regiments would have been as honorable as that of the Thirteenth.

June 15, 1898, three political conventions met in the city of Minneapolis—the Populists, the Free Silver Republicans, and the Democrats. The Democrats and Free Silver Republicans soon agreed upon terms of alliance, but the Populists spent nearly the whole day in debate before they voted to join with the other two organizations in the nomination of a ticket. Finally, a conference committee of twenty-one members (seven from each convention), was appointed to agree upon a ticket and report the same back to the conventions for ratification. The committee decided upon John Lind,* who had been a fusion candidate in 1896, for governor; John M. Bowler for lieutenant-governor; Julius J. Heinrichs for secretary of state; George N. Lamphere for auditor; Alexander McKinnon for treasurer; John F. Kelly for attorney general; William Mitchell, Thomas Canty and Daniel Buck for justices of the supreme court, and Z. H. Austin for clerk. The three conventions properly ratified the work of the conference committee, each convention, in the meantime, hav-

*At the time of nomination Lind was with his regiment at Camp Thomas, and knew nothing of the action of the convention until the following day.

ing adopted a declaration of principles. All endorsed the Chicago platform of 1896. The Free Silver Republicans declared in favor of the initiative and referendum; the Populists, in favor of government ownership of monopolies; and the Democrats dealt largely with state issues. It was charged that the state lands were being frittered away at ridiculously low prices, and that at the same time, taxes were being increased. The bank examiner and the railroad and warehouse commissioners were condemned for failing to discharge their duties in conformity to the spirit of the law.

Numbers of the Populists refused to join in the coalition thus formed, and met the next day to nominate a ticket of their own. They called themselves the "Middle-of-the-Road Populists," meaning that they would turn neither to the right nor left to assist other parties, nor to seek assistance in carrying out their own principles. They opposed everything that looked like an alliance with other political organizations. Their convention nominated L. C. Long for governor; Kittel Halvorson for lieutenant-governor; M. Wogenberg for secretary of state; John F. Kelly for attorney general; Stephen W. Powell for clerk of the supreme court; S. G. Harris, Josiah A. Temple and Edgar A. Twitchell for justices. The platform opposed fusion, because it was "wrong in principles," and endorsed Ignatius Donnelly for United States senator.

On the thirtieth of June the Republican state convention met at St. Paul. Cushman K. Davis was endorsed for re-election to the United States senate, and the following ticket was nominated: Governor, William H. Eustis; lieutenant-governor, Lyndon A. Smith; secretary of state, Albert Berg; auditor, Robert C. Dunn; treasurer, August T. Koerner; attorney general, Wallace B. Douglas; clerk of the supreme court, Darius F. Reese; justices of the supreme court, John A. Lovely, Calvin L. Brown and Charles L. Lewis.

The resolutions adopted approved the Dingley tariff law, the annexation of Hawaii, the gold standard for United States currency, the foreign policy of the national administration, and the manner in which the war with Spain had been conducted. The construction of the Nicaraguan canal under the supervision of the United States government was recommended; the administration of Governor Clough was endorsed; the record of United States Senators Davis and Nelson, was approved; and legislation to secure the construction of good roads was demanded.

The Prohibitionists nominated George W. Higgins for gov-

ernor; A. H. Gilmore for lieutenant governor; A. A. Stone for secretary of state; D. U. Weld for auditor, and Daniel W. Doty for attorney general. The Socialist Labor party placed a portion of a ticket in the field with — Hammond as their candidate for governor.

All of the Republican candidates, with the exception of governor, were elected. For that office Lind received 132,024 votes; Eustis, 111,625; Higgins, 5,208; Long, 1,766; Hammond, 1,657. Seven Republican congressmen were elected. The state senate stood 44 Republicans to 18 Democrats, and the house of representatives 93 Republicans to 25 Democrats.

Four constitutional amendments were adopted. The first provided that not only might women vote for school officers, but they were rendered eligible to hold office as members of library or school boards. The second provided that a majority of all the votes cast at an election should be necessary for the adoption of amendments to the constitution. The third revised the amendment of 1896 relating to home rule in cities, by dividing the cities of the State into four classes instead of three. The fourth authorized the establishment of a state highway commission to look after the construction and repair of roads.

For some time trouble had been brewing on the Indian reservations about Leech lake. Ten years had passed since the different bands of Chippewas had ceded their lands to the United States, and it had been agreed that the value of certain tracts should be decided by a commission within a reasonable time. For ten years this commission had been living at the expense of the tribes, and values were apparently no nearer adjustment than when proceedings were first authorized. The lumber companies, by connivance with the commission, it was charged, swindled the Indians out of valuable timber, and in time the latter became seriously discontented. Then there existed at the reservation, as there always does, in such cases, an element that knows little and cares less about the majesty of the law. This class did all that was possible to bring about an open rupture between the Indians and the authorities, in the hope of reaping a profit out of the conditions that would arise thereby.

The rupture began in the fall of 1897, when one Indian killed another in a drunken brawl on Bear island. Among the Indians who saw the deed committed was "Hole-in-the-day," who was a leader among the Chippewas. The United States district court issued a warrant for the arrest of the Indian who did the killing, and a subpœna for Hole-in-the-day, who was wanted

as a witness. Meantime the Indians had assembled and settled the affair after their own fashion, and they concluded that the white man's courts had no right to interfere. Hole-in-the-day, therefore, ignored the subpoena. An attachment was issued for him, and several attempts were made to serve it; but he either eluded the officers, or resisted arrest, in which course he was aided by a goodly portion of the tribe. On one occasion the marshal succeeded in serving the attachment and had the Indian in custody, when a party of about twenty-five Pillagers suddenly appeared and set him free. It was concluded that such a disregard for established authority should not be allowed to pass unheeded. If this offense were not punished, it was only a question of time when discipline upon the reservation would be a thing of the past. The authorities accordingly issued warrants for nineteen of the Indians who had participated in the release of Hole-in-the-day, and placed them for service in the hands of the United States marshal. In view of his past experience, Marshal O'Connor knew it was folly to attempt to serve the warrants unless he had a force sufficiently large to intimidate the Indians. He accordingly asked the military authorities for troops to aid him in making the arrests, and General Bacon, the department commander, detailed Company E, Third United States infantry, in charge of Major Wilkinson, for that purpose. Hole-in-the-day lived on the east shore of Leech lake, at a place called Sugar Point. On October 5, 1898, the marshal, with several of his deputies, and backed by the eighty-six men of Company E, crossed over from Walker in boats, to the point where they expected to find the Indians for whom the warrants were issued. As the boats crossed the lake, they were seen by the Indians; and when the expedition landed at Sugar Point, the only Indians to be seen were a few squaws and papooses. The troops were deployed as skirmishers, and the woods in the vicinity thoroughly scouted, but only one Indian was found. He proved to be one for whom the marshal held a warrant, and, after a desperate struggle, was arrested, manacled and put aboard one of the boats.

As previously agreed the troops returned to the boats at noon; and, while they were at dinner, the Indians opened fire from ambush. A battle which lasted for several hours, and in which the whites lost six killed and nine wounded, was thus inaugurated. Among the killed was Major Wilkinson. Colonel Sheehan, who, as a lieutenant, had defended Fort Ridgley thirty-six

years before, was wounded three times, though not seriously. The Indian loss was never ascertained.

No further efforts were made then to arrest the Indians, and the troops returned to Fort Snelling. As the tiger that has tasted blood becomes more ferocious, so the Pillagers, elated by the success of their resistance, grew more insolent toward the whites. The settlers about the reservation grew uneasy and appealed to the governor for protection. But the governor had no troops at his disposal. The three regiments of the Minnesota national guard had been mustered into the United States service for the Spanish-American War, and were for the time being subject only to Federal authority. At the time, however, the Fourteenth regiment was on furlough; and Governor Clough asked the war department to call the regiment together and send it to the reservation to maintain order. His request was first granted, then denied. Upon receipt of the refusal, he sent to Adjutant General Corbin the following télégram in reply:

"No one claims that re-enforcements are needed at Walker. I have not been asked for assistance from that quarter, although I do not think General Bacon has won the victory he claims. Other people do not say so. The Indians claim to have won, and that is my opinion. The people all along the Fosston branch of railroad are very much alarmed, and asking for protection, which I have asked of the war department. The soldiers are here, and ready and willing to go; but as you have revoked your order of yesterday, you may do what you like with your soldiers. The State of Minnesota will try to get along without any assistance from the war department in the future."

This telegram, which was sent October 8, has been called "Minnesota's Declaration of Independence." It had the effect of causing the adjutant general to rescind his order; and detachments from the Fourteenth Minnesota were stationed at different points along the Fosston railroad where the trouble had been threatened.

Meantime the governor had not been idle. There were two batteries of artillery and a few companies of infantry belonging to the national guard that had not been mustered into the Federal service. In pursuance of the determination expressed in his telegram, these were ordered out and hastened to the scene. While the excitement was at its height, the commissioner of Indian affairs visited the reservation and after a few days succeeded in pacifying the Indians, and the troops were withdrawn. On the nineteenth, seven of the Indians came to the agency and

gave themselves up. They were followed by seven more the next day, and the other five were arrested a few days later. A few were acquitted, and several were sentenced to imprisonment, some for one and some for two years. Thus ended the Pillager war of 1898.

The thirty-third legislature met on the third of January, 1899. On the following day a large number of citizens gathered at the capitol to witness the ceremony of inauguration, and hear the address of Governor Lind. Since the election of H. H. Sibley, in 1857, the first state governor, every man elected to that office until now had been Republican. Though Governor Lind had for years affiliated with the Republican party, and was only at variance with it now on certain questions, his election was looked upon as a triumph for the opposition, and broke the long line of Republican victories.

John Lind was the thirteenth governor of the State of Minnesota. He was born at Kanna, Sweden, March 25, 1854. While still in his boyhood, he came with his parents to America and settled in Goodhue county, Minn. The loss of his left hand in an accident compelled him to give up farming, and at the age of sixteen he began teaching in the common schools. In 1873 he settled at New Ulm and began the study of law with Judge Newhart. During the years 1875-76 he attended the state university, but did not complete the course for graduation. In 1876 he was admitted to practice, and about the same time he was elected superintendent of the Brown county schools. This position he held for two years, but his desire to engage in the practice of law influenced him to decline another term. In 1881 he was appointed receiver of the land office at Tracy, Minn., and served through the Garfield-Arthur administration. As a lawyer his attitude in litigation with the railroad companies secured for him the appellation of "Honest John Lind." In 1886 he was elected to congress from the second district, and was twice re-elected. While in congress he secured the passage of a bill making Minneapolis a port of entry. He declined a fourth term in 1892 and resumed the practice of law. In 1896 he went out of the Republican party with the "Silver" men, and was nominated for governor in opposition to David M. Clough, but was defeated. When the war with Spain broke out, Governor Clough appointed him quartermaster of the Twelfth regiment, with the rank of first lieutenant, and, while he was with his regiment at Chickamauga Park in 1898, he was again nominated by the allied advocates of free coinage, and this time was elected. His

administration was without special features, but was characterized by the same upright course that had won for him his sobriquet.

Early in the session a petition asking permission to erect a monument to the Indians who remained loyal to the whites during the outbreak of 1862, was presented from the Minnesota Valley Historical society. On the third of February the legislature passed an act granting the request of the petitioners and authorizing the adjutant general to decide upon a location for the proposed monument. In the following August he visited the field and selected a site about a hundred feet from the Birch Coolie monument erected by the State. The Indian monument was built by private subscription.

On April 15, an act establishing insane asylums at Hastings and Anoka was passed. An effort to locate an asylum at Hastings had been made before this date, but the bill had been vetoed by the governor. Appropriations of one hundred fifty thousand dollars for the benefit of the new institutions were made,—fifteen thousand dollars to purchase a site for the Hastings asylum, and one hundred twenty-five thousand dollars for the buildings. Memorials asking congress to withhold until January 1, 1902, the lands in the Chippewa, Leech lake and Lake Winnebagoish reservations, and to preserve the timber for park purposes, were adopted.

A primary election law governing the nominations of candidates was passed, but was made applicable only to cities of 200,000 population and over. This confined the operation of the law to the city of Minneapolis, and it soon became known as the "Minneapolis Primary Law."

Twice during the summer of 1900 the militia had to be called out to quell disturbances or secure the enforcement of the laws. In June, some unprincipled traders sold liquor to the Indians along the Rainy river, both in Canada and the United States. Several little quarrels ensued, and some of the settlers notified the governor. Acting under the governor's orders, Adjutant General Lambert instructed Capt. Hubert C. Eva, of Company A, Third regiment, to take forty of his men and proceed to Koochiking, which seemed to be the center of the disturbance. Captain Eva was ordered to carry with him 5,000 rounds of smokeless ammunition, to operate around Koochiking until further orders, to get the names, if possible, of violaters of the law, and, if any liquors were found in the hands of suspected persons, to take charge of the stores and either to seal or destroy the packages.

Captain Eva left Duluth on July 2, and proceeded, via Tower, Vermillion Dams and Harding, to Rainy lake. The sudden appearance of the troops frightened both the liquor sellers and the Indians, as they thought it would require a much longer time to get soldiers there, the illicit traffic was broken up, and the Indians again became quiet.

On August 5 Governor Lind received the following telegram:

"HON. JOHN LIND, *Governor*:

"A gang of robbers, bandits and murderers numbering about 125, under the guise of a circus, were here Thursday. While here they assaulted with intent to kill the sheriff of Hubbard county and his deputy, badly beating each. We have tried to get them, but have failed, as they are well organized and armed to the top. We arrested one of the principals at Grand Rapids last night, and their armed posse of at least fifty men invaded the court house, smashed in the door, and with arms and force liberated our prisoner. We are unable to cope with them; can you help us? The whole gang should be taken. We must act quickly as they will be in Wisconsin Tuesday. They are at Virginia to-day, will be in Hibbing Monday. Minnesota cannot afford to let them get away. Wire me fully quick.

"G. L. Hardy, *Sheriff, Cass Co.*"

Governor Lind ordered Maj. F. H. Bidwell to take companies A, C, and G of the Third regiment and go to the assistance of Sheriff Hardy. Major Bidwell assembled 34 men of Company A, under Captain Eva, 41 of Company C, under Captain Little, and 38 of Company G, under Captain Wigdahl. His plan was to intercept the circus at Cloquet. Taking a special train, he and his command arrived there about eleven o'clock that night. An hour and a half later, the circus train pulled in. By an understanding between Major Bidwell and the railroad authorities, it was placed upon a side track, where it was immediately surrounded by the troops and kept under guard till daylight, although it was dark as pitch and raining. As soon as it was light enough to act with certainty, the major ordered the occupants of the train to come outside and "line up." Finding themselves surrounded by a cordon of soldiers, they obeyed, though somewhat reluctantly. They numbered 101 men and 12 women. When they were all in line, Sheriff Hardy and his assistants picked out the offenders and placed them under arrest, after which the others were allowed to proceed. The culprits were taken back to Cass county, tried and convicted, thus again

demonstrating the promptness with which the people of Minnesota uphold the law and punish offenders.

Political conventions for the selection of delegates to the national conventions were held early in the season. On the fifth of September the Republicans, Democrats and Populists held conventions to nominate candidates for state offices. The Republicans and Democrats met at St. Paul, while the Populists held their convention at Minneapolis.

The Republicans nominated Samuel R. Van Sant for governor; Lyndon A. Smith for lieutenant governor; Peter E. Hanson for secretary of state; Julius H. Block for treasurer; Wallace B. Douglas for attorney general; Charles M. Start for chief justice, and Loren W. Collins for associate justice of the supreme court; Ira B. Mills and Joseph G. Miller for warehouse commissioners for the four year term, and Charles F. Staples for the two year term. The platform recommended an amendment to the Federal constitution to control trusts and prohibit monopolies; favored the election of United States senators by popular vote; demanded fair and equal taxation, and denounced the illegal manufacture and sale of oleomargarine.

John Lind was re-nominated by the Democrats without opposition. The rest of the ticket was as follows: Lieutenant-governor, Thomas J. Meighen; secretary of state, Michael E. Neary; treasurer, H. C. Koerner; attorney general, R. C. Saunders; warehouse commissioners—four year term—P. M. Ringdal and T. J. Knox; two year term, S. M. Owen. The Republican nominees for justices of the supreme court were endorsed, and a platform in which it was declared that the "constitution follows the flag" was adopted. The Porto Rico tariff law was denounced as opposing that principle. Sympathy was extended to the Boers; the Dingley tariff law was denounced; legislation that would secure an eight hour working day and tax reform was favored; increase of the tax upon the gross earnings of railroads to four per cent, was recommended. The Republicans were charged with gerrymandering the legislative districts for political purposes.

No nominations were made by the Populists, that party accepting the candidates named by the Democratic convention. The platform declared in favor of the free coinage of silver at the ratio of sixteen to one, an income and inheritance tax, the initiative and referendum, postal savings banks, the election of United States senators by direct vote of the people, home rule for the territories, honest elections, municipal ownership of public utilities,

and government ownership of railroads. The national administration was denounced for its Philippine policy. Trusts and the pension bureau were also denounced.

Five electoral votes were in the field, and each of the parties thus represented in the presidential contest had candidates for some or all of the state offices. The Prohibitionist ticket consisted of Berndt B. Haugan for governor; C. B. Wilkinson for lieutenant governor; Frank W. Carlisle for secretary of state, and Charles W. Dorsett for treasurer.

A full ticket, except for secretary of state, was again nominated this year by the "middle-of-the-road" Populists, and was made up as follows: For governor, S. M. Fairchild; lieutenant-governor, Eric G. Wallinder; treasurer, Stephen W. Powell; warehouse commissioners—four year term, M. R. Parks and M. P. Moran; two year term, John J. Hibbard.

Thomas H. Lucas was the nominee of the Social Democrats for governor, and Edward Kriz, of the Social Labor party.

In the election the Republicans were successful, the entire ticket being successful. For president, McKinley received 190,461 votes; Bryan, 122,901; Woolley (Prohibitionist) 8,555; Debs (Social Democrat) 3,065; Brandborg (Social Labor) 1,329. The vote for governor was very close, both parties claiming a victory until the official canvass was completed, when it was announced that Van Sant had received 152,905 votes; Lind, 150,651; Haugan, 5,430; Fairchild, 763; Lucas, 3,546 and Kriz, 886.

During the year 1900, the output of the Minnesota iron mines was the greatest in their history. As early as 1873, George C. Stone found iron ore in what is now known as the Vermillion range; but before anything could be accomplished in the way of developing the deposits, the panic came on, and he found it impossible to interest capitalists in his discovery. After the business of the country began to improve, Charlemagne Tower, of Pottsville, Pa., and Samuel A. Munson twice sent Professor Chester, of Hamilton College, to examine the ores and report. Professor Chester's reports were highly satisfactory, and the work of organizing a company was undertaken. The death of Munson caused a temporary suspension of operations, but Tower kept on until he raised about four million dollars to build a railroad from Lake Superior to the mines. In 1884 the Duluth and Iron Range railroad was completed from Agate bay to Vermillion lake, a distance of eight miles, and about sixty thousand tons of ore were placed on the market. Its high quality soon created a

demand, and the mines paid a dividend almost from the beginning. The ores contain about seventy per cent of iron, with a very low percentage of phosphorus. Being of that class known as specular hematite ores, they are particularly adapted to the manufacture of Bessemer steel, and the demand has steadily increased until, in 1900, the mines in the Vermillion range shipped over six million tons. Iron ore of a similar structure was found in the Mesaba range in 1890. No time was lost in developing the mines there, and in 1900 the shipments of ore from the Mesaba mines almost equaled those from the older mines in the Vermillion region.

The legislature of 1901 assembled on the eighth of January, and Governor Van Sant's term of office began on the ninth.

Samuel R. Van Sant, fourteenth governor of Minnesota, was born at Rock Island, Ill., May 11, 1844. He passed through the regular common school course in his native town and was attending high school when the Civil war began. Young Van Sant left school, enlisted as a private in Company A, Ninth Illinois cavalry, and served three years. After the war was over he finished his education by a two years course at Knox college. Upon leaving college he became interested in the steamboat business, and while thus engaged was married, in December, 1868, to Miss Ruth Hall of Le Claire, Ia. Soon after his marriage he settled in Winona, Minn. In 1892 he was elected to the legislature and in 1894 was re-elected. When the legislature assembled in 1895, he was elected speaker, receiving the vote of every member of the house. In 1900 he was nominated and elected governor of the State and in 1902 was re-elected. In his message to the legislature, Governor Van Sant referred to the working of the primary election law in Minneapolis, and expressed the hope that the provisions of the law would be extended to all the election districts of the State. He reminded the legislature that the Australian ballot law had first been tried in large cities, and stated that the primary election law was a long step toward securing an honest expression of the people's will. He also urged upon the legislature the importance of having Minnesota properly represented at the Pan American Exposition at Buffalo, N. Y., and at the Louisiana Purchase Centennial Exposition at St. Louis. In speaking of the Louisiana Purchase, he said:

"Steps have been taken to properly commemorate this fortunate event in our history, and plans are being consummated for an exposition in 1903 at the city of St. Louis. In view of the fact

that nearly all of the territory comprising Minnesota was included in that purchase, it is eminently proper that our state should be prominently represented at the proposed exposition."

The legislature appropriated twenty thousand dollars for an exhibit at the Pan American Exposition; and the appointment of a board of three managers, who in turn were to appoint a superintendent, was authorized.

The census of 1900 showed an increase in the population of Minnesota sufficient to warrant an addition of two members in the national house of representatives. An act dividing the State into nine congressional districts was therefore passed by this assembly, as follows:

The first district was constituted of the counties of Dodge, Fillmore, Freeborn, Houston, Mower, Olmstead, Steele, Wabasha, Waseca, and Winona. The counties of Blue Earth, Brown, Cottonwood, Faribault, Jackson, Martin, Murray, Nobles, Pipestone, Rock and Watonwan, constituted the second district. The counties of Carver, Dakota, Goodhue, LeSueur, McLeod, Nicollet, Rice, Scott and Sibley constituted the third district. The fourth district was composed of the counties of Ramsey, Chisago and Washington. The fifth district consisted of the single county of Hennepin. The sixth district embraced the counties of Benton, Cass, Crow Wing, Douglas, Hubbard, Meeker, Morrison, Sherburne, Stearns, Todd, Wadena and Wright. The seventh district was constituted of the counties of Big Stone, Chippewa, Grant, Kandiyohi, Lac qui Parle, Lincoln, Lyon, Pope, Redwood, Renville, Stevens, Swift, Traverse and Yellow Medicine. The counties of Aitkin, Anoka, Carlton, Cook, Isanti, Itasca, Kanabec, Lake, Mille Lacs, Pine and St. Louis, constituted the eighth district. The ninth district was composed of the counties of Becker, Beltrami, Clay, Kittson, Marshall, Norman, Otter Tail, Polk, Red Lake, Roseau and Wilkin.

The following acts were passed: Making an additional appropriation of one million dollars to the fund for building a new capital; granting free tuition in the state university to the soldiers from Minnesota in the Spanish-American War; adopting the Torrens title registration system in counties having a population of seventy-five thousand or upward; fixing a tax upon inheritances; appointing a commission to revise and codify the laws; prohibiting the combination of persons or corporations to corner the market, limit the supply, or otherwise control the price of any commodity in general use. This was known as the anti-trust law,

and heavy penalties for its violation were provided. The primary election law was made applicable to the whole State.*

In the matter of primary election reform, Minnesota stands as the pioneer. Under the provisions of the law, candidates for office must be nominated by popular vote of the party, on the Tuesday seven weeks preceding any general election. The day fixed for holding the primaries is also the first day for the registration of voters. Any political organization that cast ten per cent of the votes at the last preceding election is considered a "party," and entitled to recognition on the primary ballot. Every candidate for office must appear before the county auditor, not later than twenty days before the primary, announce his intention to enter the race, show a petition equal to five per cent of the votes cast for the party candidate for the same office at the last general election, and pay a fee of ten dollars. On the nineteenth day before the primary the ballots are to be printed. The order in which the names appear upon the ballots is changed as many times as there are candidates, so that the name of each candidate will appear an equal number of times at the head of the list. The voting is conducted and the returns are made the same as in general elections, the candidates receiving the highest number of votes being certified as the party nominees.

Wherever it has been fairly tried, the law has given general satisfaction, and in other states the leading features of the "Minnesota Plan" have been incorporated into laws governing primary elections.

In 1901 the legislature passed memorials asking congress to take the necessary steps to secure the amendment of the Federal constitution, so that United States senators might be elected by popular vote; to make the old Fort Ridgely reservation a national park and military cemetery, and to grant pensions to those who participated in the Indian war of 1862.

When Senator Davis died, in November, 1900, Governor Lind appointed Charles A. Towne, of Duluth, to fill the vacancy until the regular session of the legislature assembled. Towne was a native of Michigan and a graduate of the state university of that State. He removed to Duluth in 1890, and was elected to congress in 1894. Two years later he was one of the delegates that left the Republican national convention because of the gold standard plank in the platform. As an orator and an advocate of the free coinage of silver, he acquired a wide reputation. He served

*The special session of 1902 restricted the operations of the law to cities having a population of 10,000 or more.

in the senate but two months. In January, 1901, the legislature elected Moses E. Clapp to fill the unexpired term of Senator Davis, and Knute Nelson to succeed himself.

Senator Clapp was born at Delphi, Ind., in 1851. In 1873 he graduated from the Wisconsin law school and began the practice at New Richmond. A few years later he removed to Minnesota, settling at Fergus Falls, but afterward locating at St. Paul. In 1886 he was elected attorney-general and was twice re-elected.

CHAPTER VIII

Statistics and Description

MINNESOTA has an area of eighty-four thousand two hundred and eighty-seven square miles, being the tenth largest State in the Union. The average elevation above the sea level is approximately one thousand feet. About one-half of the State is fine rolling prairie, interspersed with groves of valuable timber. In the northeastern part are large pine forests, from which millions of feet of lumber have been taken. The soil is generally fertile and well adapted to the cultivation of all sorts of roots and cereals. Very little sterile land is to be found in the State. The Red river of the North forms three hundred and eighty miles of the western boundary and is navigable for two hundred fifty miles. Partly along the eastern border and partly through the interior, flows the majestic Mississippi, navigable for four hundred and fifty miles within the State. Through the southern portion is the beautiful Minnesota river, which is also navigable for a considerable distance. Besides these streams there are nearly six thousand five hundred miles of railroad, which afford fine transportation facilities for nearly all sections.

Agriculture is the chief industry. In addition to this, and the lumbering interests above mentioned, there are rich iron mines in the northeastern part; copper along the shores of Lake Superior; fine deposits of granite, limestone and sandstone in various places, and numerous salt springs in the Red river valley. All through the central and northern portions are beautiful lakes abounding in fish.

Latitude does not always indicate climate. Although Minnesota is one of the most northern states, the climate is delightful.

The annual mean temperature is about forty-four degrees, Fahrenheit. During the summer there are two and a half hours more daylight each day at the Falls of St. Anthony than at the Falls of the Ohio. The winters are cold, but the absence of rain and other causes produce a dry, electrical atmosphere, full of ozone, that is at once healthful and invigorating.

From the formation of the territory in 1849, Minnesota has been fortunate in having men of ability and probity to administer her affairs, and the elevated place she occupies in the history of American progress is largely due to this fact. Following is a list of the principal territorial and elective officers of the State:

TERRITORY.

Governors: Alexander Ramsey, 1849; Willis A. Gorman, 1853; Samuel Medary, 1857.

Secretaries: Charles K. Smith, 1849; Alexander Wilkin, 1851; Joseph T. Rosser, 1853; Charles L. Chase, 1857.

Chief Justice of the territorial supreme court: Aaron Goodrich, 1849; Jerome Fuller, 1851; Henry Z. Hayner (a) 1852; William H. Welch, 1853.

Congressional delegates: Henry H. Sibley, 1849; Henry M. Rice, 1853; W. W. Kingsbury, 1857.

STATE.

Governors: Henry H. Sibley, 1857; Alexander Ramsey, 1859; Henry A. Swift, (b) 1863; Stephen Miller, 1863; William R. Marshall, 1865; Horace Austin, 1869; Cushman K. Davis, 1873; John S. Pillsbury, 1875; Lucius F. Hubbard, 1881; A. R. McGill, 1886; William R. Merriam, 1888; Knute Nelson, 1892; David M. Clough, (c) 1894; John Lind, 1898; Samuel R. VanSant, 1900.

Lieutenant Governors: William Holcomb, 1857; Ignatius Donnelly, 1859; Charles D. Sherwood, 1863; Thomas H. Armstrong, 1865; William H. Yale, 1869; Alphonso Barto, 1873; James B. Wakefield, 1875; Charles A. Gilman, 1879; A. E. Rice, 1886; G. S. Ives, 1890; David M. Clough, 1892; Frank A. Day, 1894; John L. Gibbs, 1896; Lyndon A. Smith, 1898.

Secretaries of State: Francis Baasen, 1857; James H. Baker, 1859; David Blakely, 1861; Henry C. Rogers, 1865; Hans Mattson, 1869; S. P. Jennison, 1871; John S. Irgens, 1875; Fred von

a. Served from December, 1852, to April, 1853.

b. Elected lieutenant-governor, 1861; succeeded to the office of governor when Ramsey was elected to the U. S. senate.

c. Elected lieutenant-governor, 1892; became governor when Knute Nelson was elected to the U. S. senate.

Baumbach, 1879; Hans Mattson, 1886; Frederick P. Brown, 1890; Albert Berg, 1894; Peter E. Hanson, 1900.

Auditors: W. F. Dunbar, 1857; Charles McIlrath, 1859; O. P. Whitcomb, 1873; W. W. Braden, 1881; Adolph Bierman, 1890; Robert C. Dunn, 1894.

Treasurers: George W. Armstrong, 1857; Charles Scheffer, 1859; Emil Munch, 1867; William Seeger, 1871; Edwin W. Dyke, (d) 1873; William Pfaender, 1875; Charles Kittleson, 1879; Joseph Bobleter, 1886; August T. Koerner, 1894; Julius H. Block, 1900.

Attorneys General: Charles H. Berry, 1857; Gordon E. Cole, 1859; William Colville, 1865; F. R. E. Cornell, 1867; George P. Wilson, 1873; Charles M. Start, 1879; W. J. Hahn, 1881; Moses E. Clapp, 1886; H. W. Childs, 1892; W. B. Douglas, 1898.

Railroad Commissioners: A. J. Edgerton, 1872; W. R. Marshall and J. J. Randall, 1874; J. H. Baker, 1881; S. S. Murdock, 1884; George L. Becker, 1884; Horace Austin, 1886; John L. Gibbs, 1886; John P. Williams, 1888; William M. Liggett, 1890; Ira B. Mills, 1892; Nathan Kingsley, 1896; P. M. Ringdal, 1898; Thomas J. Knox, 1900; Ira B. Mills, J. G. Miller and C. F. Staples, 1900.

Superintendents of Public Instruction: Edward D. Neill, 1860; B. F. Crary, 1861, (Secretary of State ex-officio from 1862 to 1867.) M. H. Dunnell, 1867; H. B. Wilson, 1870; David Burt, 1875; D. L. Kiehle, 1881; W. W. Pendergast, 1893; John H. Lewis, 1899; J. W. Olsen, 1901.

Chief Justices of the supreme court: Lafayette Emmett, 1857; Thomas Wilson, 1864; James Gilfillan, 1869; Christopher G. Ripley, 1870; S. J. R. McMillan, 1874; James Gilfillan, 1875; Charles M. Start, 1895.

Associate Justices: Charles E. Flandrau and Isaac Atwater, 1858; S. J. R. McMillan and Thomas Wilson, 1865; John M. Berry, 1865; George B. Young, 1874; F. R. E. Cornell, 1875; D. A. Dickinson and Greenleaf Clark, 1881; William Mitchell, 1881; C. E. Vanderburg, 1882; Loren W. Collins, 1887; Daniel Buck, 1894; Thomas Canty, 1894; John A. Lovely, C. L. Brown and C. L. Lewis, 1900.

United States Senators: James Shields and Henry M. Rice, 1858; Morton S. Wilkinson, 1859; Alexander Ramsey, 1863; Daniel S. Norton, 1865; William Windom, 1870; O. P. Stearns, 1871; S. J. R. McMillan, 1875; A. J. Edgerton, 1881; Dwight M.

d. First appointed to fill out the unexpired term of William Seeger who resigned.

Sabin, 1883; Cushman K. Davis, 1887; W. D. Washburn, 1889; Knute Nelson, 1895; Charles A. Towne, (e) 1900; Moses E. Clapp, 1901.

In 1850, the first census after the organization of the territory, the population was six thousand and seventy-seven. Then Minnesota stood thirty-sixth of the states and territories; but in 1900 it had risen to the nineteenth, passing a number of her sisters in her upward course.

TABLE SHOWING THE GROWTH OF POPULATION BY COUNTIES FROM 1860 TO 1900 AS SHOWN BY THE UNITED STATES CENSUS.

| Counties. | 1860 | 1870 | 1880 | 1890 | 1900 |
|---------------------|--------|--------|--------|---------|---------|
| Aitkin | 2 | 178 | 366 | 2,462 | 6,473 |
| Anoka | 2,106 | 3,940 | 7,103 | 9,844 | 11,313 |
| Becker | 386 | 308 | 5,218 | 9,401 | 14,375 |
| Beltrami ..... | ..... | 80 | 10 | 312 | 11,030 |
| Benton | 627 | 1,588 | 3,012 | 6,284 | 9,912 |
| Big Stone ..... | ..... | 24 | 3,688 | 5,722 | 8,731 |
| Blue Earth | 4,803 | 17,302 | 22,889 | 29,210 | 32,263 |
| Breckenridge | 79 | ..... | ..... | ..... | ..... |
| Browa | 2,339 | 6,396 | 12,018 | 15,817 | 19,787 |
| Buchanan | 26 | ..... | ..... | ..... | ..... |
| Carlton | 51 | 286 | 1,230 | 5,272 | 10,017 |
| Carver | 5,105 | 11,586 | 14,140 | 16,532 | 17,544 |
| Cass | 150 | 380 | 486 | 1,247 | 7,777 |
| Chippewa ..... | ..... | 1,467 | 5,408 | 8,555 | 12,499 |
| Chisago | 1,743 | 4,358 | 7,982 | 10,259 | 13,248 |
| Clay ..... | ..... | 92 | 5,887 | 11,517 | 17,942 |
| Cook ..... | ..... | ..... | 65 | 98 | 810 |
| Cottonwood | 12 | 534 | 5,533 | 7,412 | 12,069 |
| Crow Wing | 269 | 200 | 2,319 | 8,852 | 14,250 |
| Dakota | 9,093 | 16,312 | 17,391 | 20,240 | 21,733 |
| Dodge | 3,797 | 8,598 | 11,344 | 10,864 | 13,310 |
| Douglas | 195 | 4,239 | 9,130 | 14,606 | 17,964 |
| Faribault | 1,335 | 9,940 | 13,016 | 16,708 | 22,055 |
| Fillmore | 13,542 | 24,878 | 28,162 | 25,966 | 28,238 |
| Freeborn | 3,367 | 10,578 | 16,069 | 17,962 | 21,838 |
| Goodhue | 8,977 | 22,618 | 23,651 | 28,806 | 31,137 |
| Grant ..... | ..... | 340 | 8,001 | 6,875 | 8,935 |
| Hennepin | 12,849 | 31,566 | 67,013 | 185,294 | 228,340 |
| Houston | 6,645 | 14,926 | 16,232 | 14,653 | 15,400 |
| Hubbard ..... | ..... | ..... | ..... | 1,412 | 6,578 |
| Isanti | 284 | 2,035 | 5,063 | 7,607 | 11,675 |
| Itasca | 51 | 96 | 124 | 743 | 4,573 |
| Jackson | 181 | 1,850 | 4,506 | 8,924 | 14,793 |
| Kanabec | 30 | 93 | 505 | 1,579 | 4,614 |
| Kandiyohi | 76 | 1,760 | 10,159 | 13,997 | 18,416 |
| Kittson | 1,612 | 64 | 905 | 5,887 | 7,889 |
| Lac qui Parle ..... | ..... | 145 | 4,891 | 10,882 | 14,289 |
| Lake | 248 | 135 | 106 | 1,299 | 4,654 |
| LeSueur | 5,318 | 11,607 | 16,103 | 19,057 | 20,234 |
| Lincoln ..... | ..... | ..... | 2,945 | 5,691 | 8,966 |
| Lyon ..... | ..... | ..... | 6,257 | 9,501 | 14,591 |
| McLeod | 1,266 | 5,643 | 13,342 | 17,026 | 19,595 |
| Manomin | 136 | ..... | ..... | ..... | ..... |
| Marshall ..... | ..... | ..... | 992 | 9,130 | 15,698 |
| Martin | 151 | 3,887 | 5,249 | 9,403 | 16,936 |
| Meeker | 928 | 6,090 | 11,739 | 15,456 | 17,753 |
| Mille Lacs | 73 | 1,109 | 1,501 | 2,845 | 8,066 |

e. Appointed by Governor Lind to the vacancy caused by the death of Senator Davis in November, 1900; served only about two months.

TABLE SHOWING POPULATION BY COUNTIES—Continued.

| Counties. | 1860 | 1870 | 1880 | 1890 | 1900 |
|-----------------------|---------|---------|---------|-----------|-----------|
| Monongalia | 350 | 3,161 | ..... | ..... | ..... |
| Morrison | 618 | 1,681 | 5,875 | 13,325 | 22,891 |
| Mower | 3,217 | 10,447 | 16,799 | 18,019 | 23,335 |
| Murray | 29 | 209 | 3,604 | 6,692 | 11,911 |
| Nicollet | 3,773 | 8,362 | 12,333 | 13,332 | 14,774 |
| Nobles | 35 | 117 | 4,435 | 7,958 | 14,932 |
| Norman ..... | ..... | ..... | ..... | 10,618 | 15,045 |
| Olmsted | 9,524 | 19,793 | 21,543 | 19,806 | 23,119 |
| Otter Tail | 240 | 1,963 | 18,675 | 34,232 | 45,375 |
| Pierce | 11 | ..... | ..... | ..... | ..... |
| Pipe | 92 | 648 | 1,365 | 4,052 | 11,546 |
| Pipestone ..... | ..... | ..... | 2,092 | 5,132 | 9,264 |
| Polk | 240 | ..... | 11,433 | 30,192 | 35,429 |
| Pope ..... | ..... | 2,691 | 5,874 | 10,032 | 12,577 |
| Ramsey | 12,150 | 23,085 | 45,890 | 139,796 | 170,554 |
| Red Lake ..... | ..... | ..... | ..... | ..... | 12,195 |
| Redwood ..... | ..... | 1,829 | 5,375 | 9,386 | 17,261 |
| Renville | 245 | 3,219 | 10,791 | 17,099 | 23,693 |
| Rice | 7,543 | 16,083 | 22,481 | 23,968 | 26,080 |
| Rock | 23 | 138 | 3,639 | 6,817 | 9,668 |
| Roseau ..... | ..... | ..... | ..... | ..... | 6,994 |
| St. Louis | 406 | 4,561 | 4,504 | 44,862 | 32,932 |
| Scott | 4,595 | 11,042 | 13,516 | 13,831 | 15,147 |
| Sherburne | 723 | 2,010 | 3,895 | 5,908 | 7,281 |
| Sibley | 3,609 | 6,725 | 10,637 | 15,199 | 16,862 |
| Stearns | 4,505 | 14,206 | 21,956 | 34,844 | 44,464 |
| Steele | 2,863 | 8,271 | 12,460 | 13,232 | 16,524 |
| Stevens ..... | ..... | 174 | 3,911 | 5,251 | 8,721 |
| Swift ..... | ..... | ..... | 7,473 | 10,161 | 13,503 |
| Todd | 430 | 2,036 | 6,133 | 12,930 | 22,214 |
| Traverse ..... | ..... | 13 | 1,507 | 4,516 | 7,573 |
| Wabasha | 7,228 | 15,859 | 18,206 | 16,972 | 18,924 |
| Wadena ..... | ..... | 6 | 2,080 | 4,053 | 7,921 |
| Waseca | 2,601 | 7,854 | 12,385 | 13,313 | 14,760 |
| Washington | 6,129 | 11,809 | 19,563 | 25,992 | 27,808 |
| Watsonwan ..... | ..... | 2,426 | 5,104 | 7,745 | 11,496 |
| Wilkin | 40 | 295 | 1,906 | 4,346 | 8,080 |
| Winona | 9,208 | 22,319 | 27,197 | 33,797 | 35,686 |
| Wright | 3,729 | 9,457 | 18,104 | 24,164 | 29,157 |
| Yellow Medicine ..... | ..... | ..... | 5,884 | 9,854 | 14,602 |
| White Earth Res ..... | ..... | ..... | ..... | ..... | 3,483 |
| Total | 172,023 | 439,706 | 780,773 | 1,301,826 | 1,751,394 |

In 1850 there were but nine counties in the territory. The population at that census was as follows: Benton 418; Dakota 584; Itasca 97; Mahkahto 158; Pembina 1,134; Ramsey, 2,227; Wabasha 243; Wahnahta 160; Washington 1,056.

Out of these nine counties, the eighty-two counties of 1903 have been formed. A number of other counties were created at different times, but were never fully organized. The following table, with the explanatory notes, gives the date of creation and organization of each county established, and, as far as reliable information could be obtained, accounts for those that have been discontinued.

TABLE SHOWING THE DATE OF CREATION, ORGANIZATION AND THE COUNTY SEAT OF EACH COUNTY.

| Counties. | Created. | Organized. | County seat. |
|--------------------|---------------|---------------|------------------|
| Aitkin (1) | May 23, 1857 | Feb. 21, 1871 | Aitkin. |
| Andy Johnson (2) | May 8, 1862 | | |
| Anoka | May 23, 1857 | May 23, 1857 | Anoka. |
| Becker | Mar. 18, 1858 | Mar. 1, 1871 | Detroit. |
| Beltrami | Feb. 23, 1866 | | Bermidji. |
| Benton | Oct. 27, 1849 | Oct. 27, 1849 | Sauk Rapids. |
| Big Sioux (3) | May 23, 1857 | May 23, 1857 | |
| Big Stone | Feb. 20, 1862 | Feb. 8, 1881 | |
| Blue Earth | Mar. 5, 1853 | Mar. 5, 1853 | Mankato. |
| Breckenridge (4) | Mar. 18, 1853 | | |
| Brown | Feb. 20, 1855 | Feb. 11, 1856 | New Ulm. |
| Buchanan (5) | May 23, 1857 | | |
| Canby (6) | Feb. 25, 1879 | | |
| Carlton | May 23, 1857 | Feb. 18, 1870 | Carlton. |
| Carver | Feb. 20, 1855 | Mar. 3, 1855 | Chaska. |
| Cass | Sept. 1, 1851 | Mar. 4, 1872 | Walker. |
| Chippewa | Feb. 20, 1862 | Feb. 28, 1866 | Montevideo. |
| Chisago | Feb. 13, 1851 | Jan. 1, 1852 | Center City. |
| Clay | Mar. 6, 1862 | Feb. 27, 1872 | Moorhead. |
| Cook | Mar. 9, 1874 | Feb. 17, 1883 | Grand Marais. |
| Cottonwood | May 23, 1857 | Mar. 3, 1870 | Windom. |
| Crow Wing | May 23, 1857 | 1857 | Brainerd. |
| Dakota | Oct. 27, 1849 | Mar. 5, 1853 | Hastings. |
| Davis (7) | Feb. 20, 1855 | | |
| Dodge | Feb. 20, 1855 | Aug. 4, 1855 | Mantorville. |
| Doty (8) | Feb. 20, 1855 | | |
| Douglas | Mar. 8, 1858 | | Alexandria. |
| Faribault | Feb. 20, 1855 | Feb. 23, 1856 | Blue Earth City. |
| Fillmore | Mar. 5, 1853 | Mar. 5, 1853 | Preston. |
| Franklin (9) | Feb. 8, 1872 | | |
| Freeborn | Feb. 20, 1855 | Mar. 6, 1857 | Albert Lea. |
| Goodhue | Mar. 5, 1853 | June 16, 1854 | Red Wing. |
| Grant | Mar. 6, 1868 | Feb. 28, 1873 | Elbow Lake. |
| Henriepin | Mar. 6, 1852 | Oct. 21, 1852 | Minneapolis. |
| Holcomb (10) | Mar. 4, 1871 | | |
| Houston | Feb. 23, 1854 | Apr. 1854 | Caledonia. |
| Hubbard | Feb. 26, 1883 | Feb. 26, 1883 | Park Rapids. |
| Isanti | Feb. 13, 1857 | Feb. 13, 1857 | Cambridge. |
| Itasca | Oct. 27, 1849 | Mar. 6, 1857 | Grand Rapids. |
| Jackson | May 23, 1857 | May 23, 1857 | Jackson. |
| Kanabec | Mar. 13, 1858 | Nov. 4, 1881 | Mora. |
| Kandiyohi | Mar. 20, 1858 | Oct. 26, 1866 | Willmar. |
| Kittson (11) | Feb. 25, 1882 | Feb. 25, 1879 | Hallock. |
| Lac qui Parle (12) | Feb. 20, 1862 | Mar. 6, 1871 | Madison. |
| Lake | Mar. 1, 1856 | May 10, 1866 | Two Harbors. |
| LeSueur | Mar. 5, 1853 | Mar. 5, 1853 | LeSueur Center. |
| Lincoln | Mar. 8, 1861 | Mar. 6, 1873 | Lake Benton. |
| Lyon | Mar. 6, 1868 | Nov. 2, 1869 | Marshall. |
| McLeod | Mar. 1, 1856 | Mar. 1, 1856 | Glencoe. |
| McPhail (13) | Mar. 1, 1866 | | |
| Mahkahto (14) | Oct. 27, 1849 | | |
| Manomin (15) | May 23, 1857 | May 23, 1857 | Warren. |
| Marshall | Feb. 25, 1879 | Feb. 25, 1879 | Fairmont. |
| Martin | May 23, 1857 | May 23, 1857 | |
| Medway (16) | May 23, 1857 | | |
| Meeker | Feb. 23, 1853 | Feb. 23, 1856 | Litchfield. |
| Mille Lacs | May 23, 1837 | | Princeton. |
| Monongalia (17) | Mar. 8, 1853 | Mar. 8, 1861 | |
| Monroe (7) | Mar. 20, 1858 | | |
| Morrison | Feb. 25, 1856 | Feb. 25, 1856 | Little Falls. |
| Mower | Feb. 20, 1855 | Mar. 1, 1856 | Austin. |
| Murray | May 23, 1857 | Feb. 29, 1872 | Slayton. |
| Newton (7) | Mar. 3, 1835 | | |
| Nicollet | Mar. 5, 1853 | Mar. 5, 1853 | St. Peter. |
| Nobles | May 23, 1857 | Feb. 17, 1874 | Worthington. |
| Norman | Feb. 17, 1881 | Nov. 29, 1881 | Ada. |
| Olmsted | Feb. 20, 1855 | 1855 | Rochester. |
| Otter Tail | Mar. 18, 1858 | | Fergus Falls. |
| Pembina (11) | Oct. 27, 1849 | Mar. 4, 1852 | |
| Pierce (18) | Mar. 5, 1853 | | |
| Pine | Mar. 1, 1856 | Feb. 13, 1857 | Pine City. |

TABLE SHOWING THE DATE OF CREATION, ORGANIZATION AND THE COUNTY SEAT OF EACH COUNTY—Continued.

| Counties. | Created. | Organized. | County seat. |
|----------------------|---------------|---------------|-----------------|
| Pipestone..... | May 23, 1857 | Jan. 27, 1879 | Pipestone. |
| Polk..... | July 20, 1858 | Mar. 3, 1873 | Crookston. |
| Pope..... | Feb. 20, 1862 | Feb. 28, 1866 | Glenwood. |
| Ramsey..... | Oct. 27, 1849 | Oct. 27, 1849 | St. Paul. |
| Red Lake..... | 1897 | ..... | Red Lake Falls. |
| Redwood..... | Feb. 6, 1862 | Feb. 23, 1865 | Red Wood Falls. |
| Renville..... | Feb. 20, 1855 | Mar. 1, 1866 | Olivia. |
| Rice..... | Mar. 5, 1853 | Oct. 9, 1855 | Faribault. |
| Ripley (7)..... | Mar. 8, 1860 | ..... | ..... |
| Rock..... | May 23, 1857 | Mar. 5, 1870 | Luverne. |
| Roseau..... | 1895 | ..... | Roseau. |
| St. Louis (19)..... | Mar. 3, 1855 | Mar. 1, 1856 | Duluth. |
| Scott..... | Mar. 5, 1853 | Mar. 5, 1853 | Shakopee. |
| Seward (20)..... | Mar. 9, 1874 | ..... | ..... |
| Sherburne..... | Feb. 26, 1856 | Feb. 26, 1856 | Elk River. |
| Sibley..... | Mar. 5, 1853 | Mar. 2, 1854 | Henderson. |
| Stearns..... | Feb. 20, 1855 | Mar. 3, 1855 | St. Cloud. |
| Steele..... | Feb. 20, 1855 | Aug. 1, 1855 | Owatonna. |
| Stevens..... | Feb. 20, 1862 | Feb. 7, 1881 | Morris. |
| Superior (19)..... | Feb. 20, 1855 | ..... | ..... |
| Swift..... | Feb. 18, 1870 | Mar. 4, 1870 | Benson. |
| Todd..... | Feb. 20, 1855 | Mar. 9, 1860 | Long Prairie. |
| Toombs (2)..... | Mar. 18, 1858 | ..... | ..... |
| Traverse..... | Feb. 20, 1862 | Feb. 14, 1881 | Wheaton. |
| Wabasha..... | Oct. 27, 1849 | Mar. 5, 1853 | Wabasha. |
| Wadena..... | June 11, 1858 | Feb. 21, 1873 | Wadena. |
| Wabunhta (14)..... | Oct. 27, 1849 | ..... | ..... |
| Waseca..... | Feb. 27, 1857 | Mar. 16, 1857 | Waseca. |
| Washington..... | Oct. 27, 1849 | Oct. 27, 1849 | Stillwater. |
| Watsonwan..... | Feb. 25, 1860 | Nov. 6, 1860 | St. James. |
| Wilkin (2)..... | Mar. 6, 1863 | Mar. 6, 1868 | Breckenridge. |
| Winona..... | Feb. 23, 1854 | Apr., 1854 | Winona. |
| Wright..... | Feb. 20, 1855 | Mar. 2, 1855 | Buffalo. |
| Yellow Medicine..... | Mar. 6, 1871 | Nov. 3, 1871 | Granite Falls. |

- (1) Created as Aiken county—Name changed February 29, 1872.
- (2) Established as Toombs county; name changed to Andy Johnson, and afterward to Wilkin.
- (3) Now part of Moody county, S. D.
- (4) Name changed to Clay, March 6, 1862.
- (5) Annexed to Pine county March 8, 1861.
- (6) Submitted to the voters of Lac qui Parle, Yellow Medicine and Lincoln counties and not sustained.
- (7) Repealed by the general statutes of 1866.
- (8) Name changed to Newton, March 3, 1855.
- (9) Subject to the decision of the voters of Stearns and Todd counties, where it was defeated.
- (10) Submitted to the voters of Otter Tail and Wilkin counties, where it was defeated.
- (11) Pembina changed to Kittson, February 23, 1862.
- (12) Annexed to other counties in 1870, and the present Lac qui Parle county established in 1871.
- (13) Creation not sustained by the voters of Redwood county.
- (14) No record of its disappearance.
- (15) Annexed to Anoka by an amendment to the constitution in 1839.
- (16) Now part of Minnehaha county, S. D.
- (17) Annexed to Kandiyohi, March 7, 1870.
- (18) Taken to form Big Stone, Chippewa, Pope, Stevens and Swift counties.
- (19) Superior changed to St. Louis, March 3, 1855.
- (20) Establishment defeated by the voters of Lincoln, Yellow Medicine and Lac qui Parle counties.

A century has elapsed since that part of Minnesota lying west of the Mississippi river came under the jurisdiction of the United States through what is known as the Louisiana Purchase. Then the region was unknown to white men, except for the reports of a few traders and missionaries. The nineteenth century was almost half gone before a white man's government was established within the limits of the present State of Minnesota. But from the very beginning of her political career, the progress of Minnesota has been little short of marvelous. In 1856 Ferris wrote: "Minnesota is destined to become a great agricultural and grazing region. Its upland and lowland pastures would support a dairy that would enrich an empire."

Standing upon the threshold of the twentieth century and looking back over fifty profluent years, these words seem prophetic. A great empire is there. It is enriched, not by her dairy interests alone, but by her manifold natural resources and the thrift and energy of her people. Her great wheat fields are an unfailing source of wealth, and wherever that grain is used for bread the name of Minneapolis is a household word.

The grant of the sixteenth and thirty-sixth sections of land in each township, for the support of the common schools, has already accumulated a fund of nearly fifteen million dollars, equaling the original consideration for the Louisiana Purchase, while the remaining lands, together with the pine timber and ore royalties, would give every reasonable assurance that Minnesota's common school fund may ultimately reach the royal proportion of fifty millions or more. Popular and practical education is one of the foundation stones of Minnesota's greatness. In addition to a common school system, bountifully provided for, there were in 1901, more than two hundred graded and high schools supported by the State. Minnesota has more high schools fitting for regular college examinations than any other community of the same size. Five normal schools—at Winona, St. Cloud, Mankato, Moorhead, and Duluth—have been built and equipped at a cost of over eight hundred thousand dollars. The state school at Owatonna and the University of Minnesota at Minneapolis are a credit to the State. The permanent university fund now amounts to one million five hundred thousand dollars, proceeds from the original grant of lands by congress. From the thirty-six thousand acres unsold, the pine timber and the iron ore tracts belonging to this trust, it is reasonably inferred that Minnesota's university permanent fund will yet equal fifteen million dollars or more.

The last named institution is divided into eight departments:

1. Science, literature and the arts; 2. engineering and the mechanical arts; 3. the school of mines; 4. the college of agriculture; 5. the college of law; 6. the college of medicine and surgery; 7. dentistry and 8. pharmacy. The number of students in attendance in 1902 was over three thousand eight hundred, nearly one thousand of whom were women. While other states have established several colleges, at different points, Minnesota played the part of wisdom by establishing one great university and dividing it into departments. The cost of maintenance is thus reduced, and, at the same time, the benefits to be gained by association are increased. Annually the State pays out more than six million dollars for the support of her educational institutions.

Nor have the unfortunate been forgotten. Charitable and benevolent institutions, conducted upon the most approved lines, have been provided for the care of the deaf, the blind, the feeble minded and the insane. Reformatories for the correction of those who commit petty offenses, and prisons for the more hardened criminal, mark a policy that assures the protection of society against the misdemeanors of the lawless. In this connection it is worthy of note that the enforcement of law in Minnesota is much more certain than in some of the older states. This is probably due, in a marked degree, to the fact that the judiciary has never become subject to the political spoilsman. In Minnesota the rare spectacle has been seen of all political parties endorsing the same candidates for justices of the supreme court, because they were men that could be trusted to wear the judicial ermine.

With a thought for the comfort and amusement of future generations ample pleasure grounds, such as Itasca park and the Interstate park at the Dalles of the St. Croix, have been established.

"L'Etoile du Nord," (The Star of the North) the legend upon the coat of arms, is appropriate. In the constellation of American states none shines with greater brilliancy or a steadier light than the "North Star." During the half century of statehood, her record in peace or war has been in strict accord with the spirit of American institutions. Her inspiration seems to have been derived from the motto upon the old territorial seal: "Quae Sursum Volo Videre," (I look for higher things).



BARTLETT TRIPP

Territory of Dakota.

Judge Bartlett Tripp, LL. D.

Hon. John Henry Worst, LL. D.

Associate Editors.



PAUL C. F. 1882

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Dakota Territory

CHAPTER I

Events Prior to Territorial Organization

AT THE time the French possessions in America were ceded to the United States by Napoleon Bonaparte, all that part of the new acquisition that is now included in the two Dakotas was a trackless wilderness, inhabited only by wild beasts and tribes of savage Indians. A few hardy adventurers, such as Le Sueur, Trudeau and Loisel, had penetrated the wilds, in their traffic with the natives, and in some instances had attempted settlements; but these instances were extremely rare and the settlements thus founded were generally soon abandoned.

This was the condition of the great Northwest—marked upon the maps of that day as “unexplored”—when, May 14, 1804, Captains Lewis and Clark, with forty-three men, started from St. Louis, in a bateau, or keel boat, and two pirogues, to explore the “New Purchase.” According to the journal kept by these explorers, which furnishes the first authentic account of the Northwest, they arrived at the mouth of the Yankton or James river on the 28th of August. Here they were hailed by three Indians upon the bank, one of whom swam to the boats with the information that a large body of Sioux were encamped a few miles away. The next morning Sergeant Pryor, with M. Durion to act as interpreter, and another man, accompanied two of these Indians to the encampment, to arrange a council with chiefs, while the third remained with the boats, which kept on up the river.

Sergeant Pryor and his companions were hospitably received by the Indians, many of whom had never before seen a white man. A delegation of young braves met them a little way from the camp, and offered to carry them upon buffalo robes to the wigwam of the chief. Declining this doubtful honor, the white men were conducted into the encampment with all the ceremony of which the escort was capable, presented to the chief, and as a special mark of respect were treated to a feast of fat dog. Perhaps fear, as much as courtesy, impelled them to partake of this outlandish dish, though Sergeant Pryor afterward said the meat was rather palatable. With the naivete of children the Indians inspected the visitors, manifested curiosity at the strange articles of wearing apparel, etc., though all seemed eager to minister to their wants. The proposition to hold a council met with favor, and, on the morning of the 29th, the whole band, led by the chiefs gaily bedecked with feathers and resplendent with paint, set forth to meet the representation of the Great Father.

As this strange procession neared the Missouri, a column of smoke could be seen ascending. After the departure of Sergeant Pryor those in the boats proceeded slowly, keeping a lookout for a suitable place to hold a council. Not far from the Calumet Bluffs they came to a little plain, where they landed, and Captain Clark ordered the grass upon a neighboring hill top fired, that the smoke might serve as a beacon to guide Sergeant Pryor and the Indians.

Here, upon this little plain, under a majestic oak tree, with the stars and stripes floating from a staff near by, was held, August 30, 1804, the first council between the natives and the power which had but recently acquired sovereignty over the territory. Each chief was presented with a flag, a medal bearing the likeness of the president, a string of wampum, an artillery coat and a cocked hat with a red feather. Each member of the band was presented with something. Some were given medals, some articles of clothing, other tobacco, but none was slighted, and all seemed to be satisfied. Pipes were smoked and speeches made, though the speakers were sometimes interrupted by the Indian musicians, who, in their enthusiasm, knew not when to keep still.

Proceeding on up the river the expedition, on the first of September, came to Bon Homme, or Good Man Island, where they halted long enough to examine an old fortification, which had been built by some ancient, warlike people. This strange and interesting relic lies on the south side of the Missouri river,

nearly opposite the foot of Bon Homme Island. The walls of earth, at the time Lewis and Clark visited the place, had been there so long that elm and cottonwood trees three feet in diameter had grown upon them, while the oldest Indian traditions knew nothing of the builders.

On up the Missouri, holding councils with the Indians, and explaining to them the change in proprietorship, went this little band, until, October 28th, they reached the old Mandan villages, a short distance above the present crossing of the Northern Pacific railroad, where they decided to go into winter quarters. One hundred and sixty-seven days had elapsed since their leaving St. Louis, and in that time they had navigated their little fleet over sixteen hundred miles. Today the same distance can be covered in less than forty-eight hours, in parlor cars, heated and propelled by steam, and lighted by electricity.

From the adjacent forests they obtained the necessary timber for the erection of log cabins and a stockade, and on the twentieth of November, Fort Mandan, the first structure ever erected by United States authority, within the present boundaries of Dakota, was ready for occupancy, though it was Christmas before everything was complete. During the winter they held councils and made treaties with the Mandans, Arickarees, and other tribes in the vicinity, and though they sometimes had trouble in making the Indians understand the change in ownership, they never lost the good will of the natives. With the expedition was a blacksmith, who set up a forge, and through the long winter months made many trinkets and implements that were exchanged with the Indians for corn. This traffic, and the game supplied by the hunting parties sent out from the fort, kept them in food until about the middle of March, 1805, when they began making preparations for continuing their journey. One of the pirogues had been so badly damaged near Calumet Bluffs that it had been abandoned. The bateau was too unwieldy for the rapid current of the upper Missouri, and was to be sent back to St. Louis. The first necessity, therefor, was the construction of some new boats. Trees were selected, usually cottonwood, and six canoes made ready by the first of April. To these, with two pirogues, they must trust themselves for the remaining thousand miles to the head waters of the Missouri.

The crying need of the expedition was a guide and interpreter. So far, M. Durion had discharged these duties quite satisfactorily. But now a strange region of which he knew but little was before them; a region peopled with tribes whose dialect he

might not be able to understand. All winter Lewis and Clark had kept a lookout for some one to succeed him. A few white traders, employes of the Hudson's Bay Company, had visited the Mandan villages during the winter, but none of them had ever been beyond the mountains. Diligent inquiry among the Indians failed to discover but one person who knew anything at all of the country to which they were bound. This was an Indian woman named Sacajaweah, or the Bird-woman. Sacajaweah belonged to the tribe of Snake Indians, but had been captured by the Mandans in her youth and sold to a Frenchman named Chaboneau, who afterward married her. As a last resort Lewis and Clark engaged this woman and her husband to go with them, and on April 7, 1805, the expedition bade good bye to Fort Mandan, where they had spent a little more than five months.

Of the forty-five men, who had left St. Louis the year before, two had been lost, but the addition of the Bird-woman and her husband to the party brought it up to the original number. Of these thirty-one men and the woman embarked in the canoes and pirogues and headed up stream, while thirteen men took the bateau and returned to St. Louis. On the 26th Lewis and Clark reached the mouth of the Yellowstone river, nearly nineteen hundred miles from St. Louis, and almost a year from the time of starting. A few days later they crossed the present boundary line of Dakota a short distance above where Fort Buford now stands, on their way to the Pacific.

The publication of the report of this expedition, the following year, was the means, however, of attracting attention to the possibilities of the great Northwest, and during the next decade several private expeditions visited the regions explored by Lewis and Clark, and some of these touched Dakota. In 1808 the Missouri Fur Company was founded, under the leadership of a Spaniard named Manuel Lisa, and two years later this company established the first permanent trading posts on the Missouri river.

John Jacob Astor was granted a charter in 1809, under the name of the American Fur Company, and his agents were soon scattered over the Northwest, seeking out and occupying the most desirable locations. As a result of this activity the American Fur Company acquired almost a complete monopoly of the fur trade, which it maintained until the organization of the Rocky Mountain Fur Company in 1826. For a time, after the advent of this new competitor, the Astor Company lost ground, but it redoubled its energies, introduced improved methods, and by 1832 was again master of the situation. While this rivalry was

going on, Pierre Chouteau, an attache of the American Fur Company, built and occupied old Fort Pierre, opposite the present city of Pierre. This was in 1829, though a trading post had been established upon the same site, by Joseph La Frambois, twelve years before. Fort Pierre was afterward relinquished to the United States troops, the government paying the fur company for its improvements. The American Company, about the same time, also built forts, and established trading posts at the mouth of the Yellowstone river, and at the confluence of the two forks of the Cheyenne, about twenty-five miles from the base of the Black Hills.

To Pierre Chouteau is due the credit of being the first man to successfully navigate a steamboat upon Dakota waters. In the spring of 1831 he ascended the Missouri with the "Yellowstone," a light draft steamer, reaching Fort Pierre on the 18th of June. The following year two boats, the "Yellowstone" and the "Antelope," went up as far as old Fort Union, with supplies for the trading posts along the river. It is quite probable that this introduction of steamboats by the American Fur Company assisted very materially in restoring its power as the leading factor in the fur trade of the Northwest. Although the Indians regarded these strange craft as "Taku Wakan" (that which is supernatural,) they could not fail to admire the prowess of the men who rashly took passage upon the "medicine canoe."

George Catlin, the artist, was a passenger upon the "Yellowstone," and thus describes the effect upon the natives, who hitherto had seen nothing in the way of watercraft more pretentious than the bark canoe of the Indian, or the bateau of the trader.

"These poor and ignorant people for the distance of two thousand miles had never seen or heard of a steamboat, and in some places they seemed at a loss to know what to do, or how to act; they could not, as the Dutch did at Newburgh, on the Hudson river, take it to be a "floating saw mill," and they had no name for it—so it was, like everything else (with them) which is mysterious and unaccountable, called medicine (mystery). We had on board one twelve pound cannon and three or four eight pound swivels, which we were taking up to arm the Fur Company's fort at the mouth of the Yellowstone, and at the approach to every village they were all discharged several times in rapid succession, which threw the inhabitants into utter confusion and amazement—some of them laid their faces to the ground, and cried to the Great Spirit—some shot their horses and dogs, and sacrificed

them to the Great Spirit, whom they conceived was offended—some deserted their villages and ran to the tops of the bluffs some miles distant; and others, in some places, as the boat landed in front of their villages, came with great caution, and peeped over the bank of the river to see the fate of their chiefs whose duty it was (from the nature of their office) to approach us, whether friends or foes, and to go on board. Sometimes, in this plight, they were instantly thrown neck and heels over each other's heads and shoulders—men, women and children, and dogs—sage, sachem, old and young—all in a mass, at the frightful discharge of the steam from the escape pipe, which the captain of the boat let loose upon them for his own fun and amusement.

"There were many curious conjectures amongst their wise men, with regard to the nature and powers of the steamboat. Amongst the Mandans, some called it the 'big thunder canoe,' for when in distance below the village, they saw the lightning flash from its sides, and heard the thunder come from it; others called it the 'big medicine canoe with eyes'; it was medicine (mystery) because they could not understand it; and it must have eyes, for, said they, it sees its own way, and takes the deep water in the middle of the channel."

What wonder that a trading company that could evolve such a wonderful thing as the "medicine canoe," should command the respect and awe of these untutored children of the forest, and in the end receive the lion's share of their trade?

Among these early traders was Gen. William Ashley. April 11, 1822, he was granted a license by John C. Calhoun, the then secretary of war, "to carry on trade with the Indians of the upper Missouri." Really, General Ashley was representing a company afterward known as the Rocky Mountain Fur Company, but at that time it was the policy of the government to issue licenses to individuals only, though such licenses were frequently used for corporate benefit.

General Ashley at once entered the field, with a large stock of goods and a number of agents, and began the work of establishing trading posts. All went well until the 30th of May, 1823, when, as he was descending the river with several boats loaded with furs, etc., he was stopped by the Arickarees, or Rees, with a request to trade. The Rees were different from most of the other tribes of the Northwest. While others depended entirely upon the product of the hunt for their subsistence, the Rees had, to a certain extent, become tillers of the soil, their principal crops being corn and tobacco. For this reason they had been nicknamed

"Corn Planters," and were generally looked upon as being the most peaceful of all the tribes along the Missouri. Being desirous of securing a number of horses for an expedition to the Yellowstone country, General Ashley listened to the request of the Ree chiefs, and landed at their villages, four or five miles above the mouth of the Moreau, or Owl river, on the west bank of the Missouri. The chiefs appeared to be very friendly. They were profuse in their expressions of regret over differences in the past, (caused by the killing of the son of one of the chiefs by some white men,) and promised friendship for the future. Presents were given the chiefs, and forty or fifty horses bought the first day of their negotiations. In Ashley's party there were ninety men. The horses were left on shore, in charge of forty of these men, while the other fifty were to spend the night on the boats. About three o'clock in the morning, on the first of June, one of the men on shore was killed by the Indians, and the alarm soon spread to the boats. Those on board were immediately placed under arms, and remained ready till daylight, expecting every moment to be attacked. At sunrise the Indians opened fire, and for fifteen or twenty minutes kept up a constant fusillade, meanwhile yelling like fiends. Several of those in charge of the horses were killed or wounded by the first volley. The survivors managed to reach the boats, which were cast loose, and drifted down stream, soon getting beyond the range of the guns. Of the ninety men in General Ashley's party, twelve were killed, and eleven were wounded. Although the fire was returned from the boats, and it is certain several Indians were killed, the exact loss could not be ascertained.

This attack was so wholly unexpected, that from General Ashley's being a new competitor in a field where the rivalry was already intense, it was thought the Rees had been incited to the act by some of the rival fur companies. This belief was strengthened by the fact that about the same time, two men named Jones and Immel, of the Missouri Fur Company, with forty men, were attacked by a party of Blackfeet, farther up the river. Jones and Immel and five of the men were killed, and about fifteen thousand dollars worth of goods was carried away by the Indians. In both these cases the Indians were well supplied with London fusees, which, it was believed, were furnished them by the agents of Hudson's Bay Company.

General Ashley promptly reported this affair to the military authorities, and Gen. Henry Leavenworth was sent with a detachment of troops from Fort Atkinson—now Council Bluffs—to

punish the Indians. General Leavenworth lost no time in getting to the scene of action. But in that day, without any means of transportation other than the canoe or bateau, his progress was necessarily slow, so that it was August before he reached the Ree villages. In addition to the two hundred regular troops brought from Fort Atkinson, General Leavenworth had been reinforced by a number of Ashley's men under Major Henry, and a considerable body of friendly Sioux. As this force was approaching the Ree villages, on the 9th of August, a large body of warriors came out to offer resistance. The Sioux allies at once opened the engagement, and a sharp skirmish occurred in which the Sioux were driven back. They were quickly reenforced by the regulars and Ashley's men, and the Rees slowly retired to their fortifications. The fighting continued in a desultory way until nightfall, without either side gaining a decisive victory. Late in the evening the boats arrived, bringing up the artillery. General Leavenworth ordered Lieutenant Morris to take a six pound cannon and a five and a half inch brass howitzer, and occupy a hill about a hundred yards north of the upper village, from which he was to attack the lower town. Captain Riley with a body of riflemen, and Lieutenant Bradley with a company of regulars, were to support Lieutenant Morris, and at the same time Sergeant Perkins, with another six pounder, was to open fire upon the upper village, from a different position. Sunrise, on the morning of the 10th found the troops thus arranged, and soon after the attack began all along the line.

The first shot from the cannon killed Grey Eyes, the chief who had caused all the trouble; the second swept away the medicine flag that floated over the chief's lodge, and was supposed to exert some miraculous power for the preservation of those who fought under it. Disconcerted by the fall of their leader, and the loss of their invincible ensign, the Indians were on the verge of a panic. But the chiefs rallied them and they fought doggedly on until the middle of the afternoon. During this time, while the Rees were engaged, the Sioux took advantage of the situation to carry off the corn belonging to the villagers, after which they deserted in a body, leaving the whites to take care of themselves. About three o'clock the Sioux were seen holding a parley with some of the Rees on a distant hilltop, and soon afterward the Rees sued for peace. A council which lasted two days was held. At its conclusion an agreement by which Little Soldier, who was now the head chief, undertook to return General Ashley's stolen goods or render an equivalent, and to offer no further resistance

to the establishment of trading posts in the Ree county was reached. General Leavenworth reported to the war department that while the treaty was being negotiated, the representatives of the Missouri Fur Company offered every possible opposition to an amicable adjustment. They wanted a war of extermination.

After the treaty had been concluded some of Ashley's men grumbled because, according to their view, full restitution of the stolen goods was not made. Little Soldier was sent for and informed that he had not kept his promises, and that unless he made good the loss immediately, another attack would be made upon the village. He offered a few more buffalo robes—all he could get together—asserted his friendship for the white men, and piteously begged permission to withdraw his family from the village before the attack was begun. General Leavenworth allayed his fears by telling him that the white men were satisfied, and that the villages should not be disturbed. Little Soldier then gave the general a pipe of peace, and received a flag, as tokens that the war was ended.

But Little Soldier was not satisfied. Although he had, with true Indian stoicism, concealed his feelings through the sessions of the two days council, he was none the less chagrined and humiliated over his defeat. Then his word had been doubted, and he decided not to remain in the vicinity of those who had questioned his integrity. During the night of August the 12th the entire Ree tribe, except the mother of Grey Eyes, an old infirm woman, who would impede their flight, abandoned the villages. Lieutenants Bradley and Morris were placed in possession of the towns to protect them, and a Frenchman named Charlounau was dispatched in pursuit of the fugitives. With him he carried the peace-pipe presented by the chief to General Leavenworth, and a duplicate of the chief's flag, as emblems that the general's "heart was not bad." He also bore an earnest entreaty to return to the villages, and a warning from General Leavenworth that their homes would be burned by bad white men or bad Indians if left unprotected. After waiting until the 14th, and hearing nothing from the Rees, General Leavenworth placed the mother of Grey Eyes in one of the most commodious lodges, left her a supply of provisions, and set out on his return to Fort Atkinson. Scarcely had the last of the boats disappeared around the bend when a huge volume of smoke from the site of the ill-fated villages told that the general's warning had not been an idle one. It has always been believed that the villages were fired by two men,

McDonald, a partner, and Gordon, a clerk, of the Missouri Fur Company.

This was the first serious disagreement with the Indians in the territory now included in the States of North and South Dakota. In the engagement at the Ree villages the whites had none killed and but two wounded. Lieutenants Bradley and Morris, when they entered the towns, on the morning after the Indians decamped, counted thirty-one fresh graves, but, as the Indians frequently bury two or three in one grave, the loss was no doubt much greater than the number of graves would indicate.

In the spring of 1832 Captain Bonneville, a United States army officer, without a leave of absence, and, with a hundred and ten men, started across the divide to the valley of the Columbia. An observation taken at Laramie's Fork on the 26th of May, showed them to be in one hundred and two degrees 57 minutes west longitude. Two days later they came to the Black Hills. The journal of the expedition, afterwards edited by Washington Irving, gives the first description of the Hills to be published.

While the struggle for supremacy was going on among the different fur companies along the Missouri, similar scenes were being enacted in the valley of the Red river. As early as 1802 Thomas Douglas, the fifth Earl of Selkirk, had his attention called to the advantages of this valley as a field for colonization. Lord Selkirk memorialized the British home office on the subject, but Lord Pelham, the home secretary, declined to act upon the memorial. In indirect ways he encouraged Selkirk's scheme, but that part of the Red river valley most desired by Selkirk, was included in the grant made to Hudson's Bay Company by Charles II in 1670.

In 1803 Lord Selkirk received a grant to a tract of land on Prince Edward's (then St. John's) island, and in the summer of that year sent eight hundred emigrants to his new possessions. The Earl himself came over afterward, made a tour through Canada to the Northwest and returned more thoroughly convinced than ever that a colony might be located somewhere in Manitoba. But the charter of Hudson's Bay Company stood in the way as it was then thought. In 1810, this title became a subject of dispute, the stock of the company declined in value to almost nothing, and Lord Selkirk saw the means of carrying out the plans that he had so long cherished. Quietly he bought enough

stock to give him a controlling interest in the company, and in May, 1811, he applied to the directorate for a tract of forty-five million acres in the Red river valley in what is now Manitoba, Minnesota and Dakota. Of course, holding the large interest he did, entitled his request to consideration. He received the grant asked for, and immediately set about carrying out his idea of colonization. The territory included in the Selkirk grant had for years been occupied by the Northwest Fur Company, whose trade had never been molested, and whose right to occupy the region had never been questioned. When the news reached the trading posts of this company, preparations were made to resist the ingress of any colonists Lord Selkirk might send to the country. The first company came in the autumn of 1811, under the command of Capt. Miles McDonell, with instructions to found a settlement somewhere in the new grant. Near Winnipeg, in Manitoba, they met with a party of French and Indians, who were in the employ of the Northwest Company. Each party charged the other with poaching, or trespassing, and insisted upon immediate evacuation of the premises. Finally the French lost their temper, a shot was fired, and a combat which ended in the utter rout of the Selkirk forces was precipitated. McDonell then retreated up the Red river to the forty-ninth parallel, where, finding a location to his liking, he halted and founded a settlement. A fort which he named Fort Deer was built about three hundred yards from where the Pembina court-house now stands.

For some time the outlook for this little band of pioneers was not encouraging. On the north were the French and Indians of the Northwest Company, only awaiting some pretext to drive them from the country. On the south were the Sioux and Chipewas battling with each other, while all around them were the Kree Indians that might at any moment become hostile. But Scotch determination and English tenacity triumphed and with varying fortunes the little colony lived on, in spite of discouraging circumstances. It was not the purpose of these colonists to enter into competition with the trappers and traders of the Northwest Company, but to devote their attention to agriculture. Each colonist was to receive a hundred acres of land, and Lord Selkirk hoped to build up a permanent settlement in his new possessions. The Northwest Company saw, in the introduction of civilization, the destruction of the fur trade, and litigation was commenced to test the validity of Lord Selkirk's title. The contest thus begun lasted for ten years before Selkirk was fully sustained. Relations between the adherents of these opposing ele-

ments naturally grew more and more unfriendly, and little eruptions of ill feeling were frequent. Duncan Cameron and Alexander McDonald were authorized by the Northwest Company to devise means to get rid of the colony at Pembina. Cameron, being a Schotchman, went among the Selkirkers, as they were called, and tried to sow the seeds of distrust. He partially succeeded, drawing some of the Scotchmen at Pembina over to the Northwest Company.

On January 8, 1814, Captain McDonell issued a proclamation claiming the soil as the property of Lord Selkirk, and forbidding the removal of provisions out of the territory. The Northwest Company regarded this as equivalent to a declaration of war, and the situation was further aggravated when McDonell sent a "sheriff" to carry out the purport of the proclamation. This "sheriff" was armed with a warrant, and took with him a posse and a small cannon to enforce obedience. Finding the fort of the Northwest Company poorly garrisoned, this troop broke in and carried away a large quantity of provisions, under pretext that they were about to be removed from the country.

Cameron and McDonald next tried to hire some Indians, with a few gaudy presents, to burn the Selkirk fort at Pembina and massacre the inhabitants. Failing in this George Campbell, a former Selkirker, who had been persuaded by Cameron to desert, was sent to read an order to surrender. No attention was paid to this order, and a sort of armed neutrality existed until June 22, when the arrival of one hundred more settlers at Pembina caused the Northwest Company to retire temporarily from the field.

During the winter of 1814-15 the Pembina colony underwent severe hardships. The winter was unusually rough, food was scarce and their enemies began again to harass them. Exasperated by the conduct of the Northwest Company, Captain McDonell, in the spring of 1815, gave them six months to quit the country. On the 10th of June a lot of half-breeds connected with the Northwest Company, concealed themselves near the fort, fired upon the occupants and killed four of the settlers. They then made a rush and succeeded in capturing McDonell's cannon. Without adequate means of defense, with provisions scarce, and with hostile enemies all about, McDonell surrendered to the Northwest agent, and the settlers were escorted by friendly Chippewas in canoes to the other Selkirk fort near Winnepeg. Fort Pembina was burned by the Northwest forces, as soon as it was abandoned by the Selkirkers, and they were congratulating themselves upon getting rid of their enemies, when Lord Sel-

kirk himself appeared upon the scene. Under the leadership of Colin Robertson, an old and trusted agent of Hudson's Bay Company, the settlers were conducted back to Pembina, the fort was rebuilt, and for the remainder of the season they were not molested.

Lord Selkirk asked the government to give his colony military protection, but his request was refused. About that time some of the Canadian soldiers that had been engaged in the War of 1812 with the United States, were being disbanded. Selkirk, at his own expense, hired and equipped a hundred and twenty of these disbanded troops, and sent them to Pembina. The arrival of these troops not only encouraged the settlers, but placed Colin Robertson, who was still in charge of the colony, in a position where he could assume the aggressive. Early in 1816 he arrested Duncan Cameron and sent him to the headquarters of Hudson's Bay Company to be taken to London for trial. On June 18, a party of sixty, under the command of Cuthbert Grant and Thomas McKay, was sent by the Northwest Company from Fort Wui Appelle to the Red river country. The Pembina colony was warned of the approach of this company, and Gov. Robert Semple, of Hudson's Bay Company, who was then at Pembina, went out with twenty-eight men to meet them, and learn their intentions. A man by the name of Boucher, a drunken, insolent fellow, was put forward as spokesman by the Northwest party. In the parley that ensued Governor Semple, who was not an adept in the art of finesse, lost his temper and was immediately shot down by Boucher. Of the twenty-eight that went out twenty-one were killed, and the next day the colony again surrendered to the Northwest Company's agents, and again they were sent down the river.

Lord Selkirk went to Fort William, arrested the leaders of the Northwest Company and sent them to the attorney general of Canada for trial. The arrest of these leaders put a stop to hostilities, and the colonists again returned to Pembina, where Lord Selkirk spent the summer of 1817 and directed the affairs of the colony in person. On July 18, 1817, he made a treaty with the Krees and Chippewas for a tract of land on both sides of Red river, from four to twelve miles wide and extending as far south as Grand Forks.

During the next five years the life of the Pembina colony was not particularly eventful. Save for the fact that the crops of 1818 were destroyed by grasshoppers, the colony was fairly prosperous. The loss of the crops that year necessitated a trip to

Prairie du Chien the following winter to procure wheat for seed and bread. Three bateaux, with six men each, went up the Red river to Big Stone lake, where they made a portage of one and a half miles to the headwaters of the Minnesota river, and then down to Prairie du Chien. Returning by the same route the bateaux, each containing two hundred bushels of wheat, were taken across the portage on rollers. The expenses of this expedition, amounting to more than five thousand dollars, were borne by Lord Selkirk.

In 1823 the United States government sent an expedition to the Red river valley, to learn the character of the country along the as yet unsurveyed northern boundary. Maj. Stephen H. Long of the United States topographical engineers was in charge of this expedition, which reached Pembina on the 5th of August, established a camp there which was named Camp Monroe, and remained in the vicinity for several days taking observations. Through the medium of Major Long's expedition Lord Selkirk learned that his fort was outside the British boundary, and he removed his settlement north of the forty-ninth parallel where he had a right. The colony was not entirely abandoned, however, some of the settlers remaining behind to become American citizens, and in 1870, when the United States went to rebuild Fort Pembina, a few descendants of the Selkirk colonists were still found there.

Major Long reported that, when he was at Pembina in 1823, he met there an old Frenchman who claimed to have lived there since the winter of 1780-81. As there is no good reason to doubt this story, it is fair to say the first white man settled in Dakota in the year 1780.

Dakota has been successively a part of six different states, or territories. In 1804 it was made a part of the District of Louisiana, afterward called the Territory of Louisiana. By the act of June 4, 1812, all the territory included in both North and South Dakota was made a part of the Territory of Missouri. By the act of June 28, 1834, all that portion of the Northwest Territory remaining unorganized was attached to the Territory of Michigan. Two years later—April 20, 1836—the region was attached to Wisconsin Territory. On June 12, 1838, Dakota became a part of Iowa Territory, and remained so until 1849, when that part east of the Missouri was attached to Minnesota Territory, and that portion west of the river became later a part of Nebraska Territory. In 1851 the legislature of Minnesota divided the eastern portion into nine counties, one of which was called Dakota

county. It extended from St. Paul to Yankton, and constituted the sixth council district.

In 1832, General Scott held one of the most important treaties with the Indians that was ever held northwest of the Mississippi. Five years later a treaty was made with the Sioux; they ceded to the United States certain lands along the Mississippi river. Although neither of these treaties directly affected Dakota, they attracted attention to the Northwest, turned emigration in this direction, and paved the way for the treaty of 1851. July 23, of that year, at Traverse de Sioux, on the southwest shore of Big Stone Lake, was held that memorable treaty, by which the government acquired possession of the first foot of land in Dakota, to which the Indians relinquished their title. This treaty was with the Sisseton and Wahpeton bands of Sioux. By its provisions all that part of Dakota lying between the Minnesota state line and the Big Sioux river except a reservation along the shores of Big Stone lake, was ceded to the United States. August 5, another treaty was made at Mendota, Minn., with the Medewakanton and Wapekuta bands. By it they ceded to the government their interests in the same tract, and the land was opened to settlement. Five years elapsed, however, before any settlement in Dakota was actually undertaken. When the Territory of Nebraska was organized, in 1854, there was not a white settler on the Dakota side of the Missouri river.

September 17, 1851, at Fort Laramie, the Gros Ventres, Mandans and Arickarees were given as a reservation all the land on the south and west of the Missouri, between the Yellowstone and Heart rivers, and the Assiniboines, all between the Missouri and the Yellowstone, north of the latter. By far the greater part of this reservation lies in what is now Montana.

In 1855 the Sioux came to the conclusion that the government was not properly living up to the terms of the treaty of 1837, and showed indications of becoming troublesome. Gen. William S. Harney, with the First cavalry, and a detachment of infantry was sent from the Platte to protect the trading posts, and to awe the Indians into submission. General Harney's life had been mainly spent upon the frontier. He had taken part in the Florida war where he had acquired a reputation as an Indian fighter, that is well summed up in the laconic remark of the chief "Billy Bowlegs,"—"If Harney catch Bill, Bill hang; if Bill catch Harney, Harney hang." With General Harney were Nathaniel Lyon, afterward killed at the battle of Wilson's Creek at the beginning of the Civil war; Captain Gardner, who rose to

the rank of general in the Confederate army, and Capt. J. B. S. Todd who was seven years later the first congressional delegate from the Territory of Dakota. On the 3rd of September, this expedition came up with a large war party of Brule Sioux, at Little Blue Water, and an engagement ensued in which the Indians lost eighty-six killed, several wounded and quite a number taken prisoners. General Harney passed the winter at Fort Pierre, and during the winter learned that the principal reason for the disaffection of the Indians, lay in the fact that there were too many chiefs. One set of chiefs would be recognized by the traders, another by the government agents, and still a different set by other Indian tribes.

From the 1st to the 5th of March, 1856, General Harney held councils, at Fort Pierre, with all the bands of Indians in that part of Dakota, except Big Head's band of Yanktonies, and the Ogallalas. (It was reported by General Harney that the latter were kept out through the influence of their agent, Thomas S. Twiss.) In these councils General Harney insisted upon each band selecting one or more chiefs that must be recognized by all as the only authorized head of the tribe. To assist these chiefs in maintaining order in the tribe, General Harney organized and equipped a number of young braves as policemen, or soldiers, for each chief. These police soon made restitution for goods that had been stolen, and surrendered the depredators to the authorities.

Soon after these treaties had been arranged at Fort Pierre, old Fort Lookout was occupied by government troops, and General Harney made his headquarters there until the spring of 1857, when he selected the site and began Fort Randall, where two companies of soldiers were landed by steamboat. The same season Captain Sully, at the head of two companies, marched across the plains from Fort Abercrombie, on the Red river, to relieve part of the command at Fort Pierre, where he remained until the following year, when he recrossed the country to Fort Ridgely. Lyon remained in command at Fort Lookout until 1858, when both forts, Lookout and Pierre, were abandoned, and the troops withdrawn from Dakota except a few companies stationed at Fort Randall.

Almost simultaneously with the entrance of General Harney into Dakota, at the head of his military forces, the government sent another expedition to the Black Hills, under the command of Lieut., afterward Maj. Gen., G. K. Warren. Lieutenant Warren was on General Harney's staff, with the topographical

engineers. The object of this expedition was scientific exploration and research in the Black Hills and Bad Lands, and incidentally to mark out the best routes for military roads, and the best locations for military posts.

The expedition was largely tentative in its nature, but it opened the way for a more pretentious one two years later, under command of the same officer. The year 1855 drew to a close without a single permanent settlement in Dakota. A few adventurers had built cabins, here and there, in anticipation of the consummation of treaties, but the soil was yet unbroken by the hand of civilized agriculture. But the day was now near at hand when all this was to be changed.

Sometime in the summer of 1856 a company was organized at Dubuque, Ia., called the Western Town Company, having for its objects the location of town sites, in which speculation just then was rife. Those most active in the affairs of the company were: Dr. G. M. Staples, Mayor Hetherington, Dennis Mahoney, Austin Adams, G. P. Waldron and William Tripp. In October the company engaged Ezra Miller, of Sioux City, Ia., to locate a town site in Dakota, the objective point being the falls of the river, called by the Indians "Te-han-kas-an-da-ta," or "Thick-wooded," but better known to white men as the "Big Sioux." Mr. Miller associated with him another Sioux City man, named D. M. Mills, and early in November the two set out on horseback to carry out the company's orders. For several days they followed along the east side of the Big Sioux, keeping as close to the river as the surface of the country would permit, until just at the close of a dismal November day, in a drizzling rain they came within hearing of the falls. Spurring up their tired steeds they rode down Prospect Hill, and came to the river opposite the little island at the head of the falls. Before they could dismount several Indians suddenly appeared from the neighboring timber, and taking hold of their bridles turned the horses around and pointed up the hill in the direction from which they had come. No indignities were offered, no hostile demonstrations made; neither party could understand the language of the other, but the meaning of the action and the gesture could not be mistaken. Miller and Mills retraced their steps twelve miles, to the mouth of Split Rock river, where they passed a sleepless night, in the fear that they had been pursued. The truth of this account has been brought into question by Dana R. Bailey, in a history of Minnehaha county, Dak., published in 1899. Mr. Bailey says: "Right here the writer will take the liberty to contradict the fiction

which has been frequently published, that the party upon approaching the falls were intercepted by a band of Indians, and although neither party was conversant with the language of the other, the travelers could not misunderstand the meaning of the Indian who, taking the travelers' horses by the bridle and turning them about, silently pointed in the direction from which they had come, and that the party immediately hastened back to Sioux City. . . . the writer asserts that nothing of the kind took place. The fact is the party had a surveyor with them, and in the name of the Western Town company took undisturbed possession of three hundred and twenty acres of land, and D. M. Mills one hundred and sixty acres."

All the other accounts agree that a second attempt was made six weeks later, when Mills returned at the head of another party, located a town site, as suggested by Mr. Bailey, built a log cabin ten by twelve feet, and returned to Sioux City for the winter.

During the winter of 1856-7 another company, known as the Dakota Land Company, was chartered by the legislature of Minnesota. The objects of this company, as provided in its charter, were to locate town sites in the proposed new Territory of Dakota. Foremost among the incorporators were W. H. Bobles, Maj. F. J. DeWitt, J. R. Brown, S. A. Medary, N. R. Brown, Samuel F. Brown, A. G. Fuller and James W. Lynd. Leaving St. Paul in May, 1857, the representatives of this company reached the valley of the Big Sioux, and began operations by laying out the town of Medary, in what is now Brookings county. Farther down the river they located the town site of Flandreau, named in honor of Judge Flandrau, of St. Paul, the town of Medary being named for the then governor of Minnesota.

About the same time that the agents of the Dakota Land Company were leaving St. Paul, Jesse T. Jarrett, John McClellan, and two other men, named Oleson and Farwell, were sent out from Sioux City, by the Western Town Company, to hold and improve the town site selected by Mills and his party the winter before. It seems the promoters of the Dakota Land Company had heard of the advantages of the falls of the Sioux, for its representatives, after locating Flandreau, continued on down to the falls, only to find that the Western Town Company had forestalled their intentions by preempting the most available site. Determined not to be entirely defeated, they went a little below the falls and took up three hundred and twenty acres in the name of the Dakota Land Company, and named the place Sioux Falls City. Here they left two men, James Fiske and James McBride, to hold their claim,

and proceeded on to the mouth of Split Rock river, where they took up six hundred and forty acres for a town to be called Eminiza, built a cabin on the site, and returned to St. Paul.

Meanwhile Fiske and McBride had put up a cabin on the site of Sioux Falls City, and by the middle of July were as comfortably fixed as circumstances would allow. The combined population of the two "cities" at Sioux Falls now numbered five persons: Oleson, Farwell and McClellan of the Western Town Company, and Fiske and McBride of the Dakota Land Company. Although these men represented rival interests, there was perfect amity between them, so that when in the latter part of July a large body of Sioux appeared upon the scene, they made common cause in getting their personal effects into a canoe, at the foot of the falls, and starting for Sioux City. Thus the town sites of both companies were temporarily abandoned.

On August 27, 1857, the Indian scare being over, a party of nine men in the employ of the Western Town Company arrived upon the scene, and recommenced the work of building up a town. These nine men were Jesse T. Jarrett, J. L. Phillips, W. W. Brookings, L. B. Atwood, A. L. Kilgore, Smith Kinsey, John McClellan, and two men named Callahan and Godfrey. At Rock river D. M. Mills joined the party. With them they brought one team of horses, and several ox teams, bearing the machinery for a saw mill, implements, and a stock of provisions. Each member of the party selected a claim on the 28th, and they set to work building a mill, house and store, and getting in a supply of hay for the winter.

Later Jarrett, Atwood, Godfrey and Mills went back to Sioux City for another supply of provisions. In about ten days Jarrett, who was the company's agent, returned accompanied by Doctor Staples, the founder, and one of the directors of the company. It seems that some complaint had been made to the company regarding Jarrett's management, and Doctor Staples had been sent out to investigate. He was also given authority to make such changes as, in his judgment, the welfare of the company demanded. The result was Jarrett was superseded by W. W. Brookings, and everything went well until the early part of October. All the oxen, except one yoke, had been sent back to Sioux City. Late in the afternoon of October 10th, about a dozen Indians, mounted on ponies, came tearing over the bluffs, yelling like madmen, and before the startled settlers could recover their senses, had surrounded the remaining yoke of

oxen and driven them away. Four of the men followed the Indians, in the hope of recovering the cattle, but without avail.

The change in leaders, from Jarrett to Brookings, had brought Charles McConnell, R. B. McKinley, S. D. and E. M. Brookings to the Western Town Company's settlement, though D. M. Mills, Jarrett, Callahan and Godfrey had left the falls. About the middle of October, a party consisting of James L. Fiske, James McBride, William Little, James McCall, James Allen, C. Merrill and J. W. Evans, was added to the population. These seven men had been sent out by the Dakota Land Company to make another effort to improve the site located the summer before.

Altogether the population numbered seventeen people who spent the winter of 1857-58 at the falls. Three dwelling houses, a store and a saw mill had been erected by the Western Town Company before cold weather set in, and the early part of the winter was spent in getting a supply of logs to the mill.

Meantime the legislature of Minnesota had established the county of Big Sioux, including the present county of Minnehaha and some of the adjacent counties, and in December, 1857, the governor of Minnesota appointed James Allen, register of deeds; James Evans, sheriff; James L. Fiske, probate judge; W. W. Brookings, district attorney; J. L. Phillips, justice of the peace; William Little, James McBride, and A. L. Kilgore, commissioners.

Thus, as the year 1857 drew to a close, the first authorized government ever known to Dakota was given to Big Sioux county, though at that time the Territory was part of Minnesota. If these officers ever qualified, or acted under their appointment, no record of the fact has been preserved.

A. S. H. White, an attache of the Indian bureau, was sent to visit the Yankton Indians, in the spring of 1857, for the purpose of persuading them to send a delegation of their head men to Washington to arrange a treaty ceding their lands to the government. Mr. White failed in his mission, but a few months later Captain Todd, of Fort Randall, was requested by the interior department to make another trial. Securing the services of Charles F. Picotte, as interpreter, Captain Todd held a council with the Yankton chiefs, and through the persuasive powers of Mr. Picotte, who was a man of great influence with the Indians, succeeded. Early in the winter of 1857 Captain Todd started for Washington with the Yankton chiefs, taking Mr. Picotte along. When it became noised about that a treaty was about to

be negotiated for lands in the Yankton or James river valley, the old town site fever broke out again.

On the first day of February, 1858, W. W. Brookings and Smith Kinsey started from Sioux Falls, to secure, for the Western Town Company, a site, where the city of Yankton was afterward built. For several days the weather had been rainy, and when they reached Split Rock river, twelve miles from the falls they were compelled to swim their horses to effect a crossing.

That night they reached Rock river, fifty miles from Sioux Falls, but found that stream so high that to cross it was out of the question. There was nothing left for them to do but to return to Sioux Falls, and wait for more favorable weather. That night they encamped on the bank of Rock river, and during the night a terrible "blizzard" set in, so that they were obliged to face a fierce, cold wind on their return journey. This wind often became so blinding that it was impossible to face it on horse back. At such times they would dismount and run beside their horses to keep from freezing. It was after dark when they reached the Split Rock river only to find the ford frozen over, but the ice was not strong enough to bear the weight of a horse. As they were anxious to reach the falls that night they resolved to break a passage. In doing so Mr. Brookings fell into the water, getting thoroughly drenched. With the mercury any where from twenty-five to thirty degrees below zero, his feelings can probably be better imagined than described. Twelve miles from the nearest shelter, in the midst of a Dakota "blizzard" and wet to the skin besides, is certainly not an enviable position. With death by freezing staring him in the face, Mr. Brookings accepted the only alternative, and ran the twelve miles to Sioux Falls, where he arrived with both feet frightfully frozen, and almost completely exhausted. Mortification attacked the frozen feet and it was deemed necessary, in order to save his life, that both should be amputated. Several days journey from a physician with the implements of civilized surgery, and immediate action being necessary, Doctor Phillips with an ordinary butcher knife, well sharpened, and a small tenon saw, performed the operation. And there, upon his pile of buffalo robes, in a cabin with no floor but mother earth, Mr. Brookings not only lived, but regained his health, and became an active and influential participant in the early affairs of Dakota.

Although Messrs. Brookings and Kinsey failed to locate the Yankton town site, others had been more fortunate. Frost,

Todd & Co., operating under a government license, established trading posts at several points along the Missouri river. In 1857 a trading house was built and a ferry established by agents of this firm, very near the site of Yankton, if not upon it. There seems to be some difference of opinion as to just when the first house was built in Yankton, and by whom it was erected. Maj. Joseph R. Nanson, in his "Reminiscences of Yankton's Early Days," published in the *South Dakotan*, says that one Ben Stafford of Sioux City first called attention to the natural advantages of the location, after a trip to the upper Missouri in the fall of 1857. In support of this theory Major Hanson related the experience of C. J. Holman who was one of the party to build the first cabin on the site of Yankton. According to Mr. Holman's story a company was organized at Sioux City and Sergeants Bluff, Ia., to locate the site as described by Stafford. In this company were: W. P. Holman, Judge Campbell, Billy Roberts, a Mr. Lamb, (referred to in a familiar way as the "old man" Lamb,) and one or two others.

In March, 1858, this company sent out a party, consisting of C. J. Holman, W. P. Holman, Ben Stafford, Gilbert Bowe, Harry Narveas, Steve Saunders and two others, to take up, improve and hold the site. This party had been in Yankton about three weeks when George D. Fiske and Samuel Mortimer, representing Frost, Todd & Co., arrived upon the ground and camped alongside the Holman party. A week later two men named Sabey Strahm and Johnson Burnett were added to their numbers, and work was begun on a cabin, when a body of Indians suddenly appeared and drove them across the river to Nebraska. Here they built a cabin and waited for news of the conclusion of the treaty, that was now expected any time. While waiting, they cut a number of logs prepared for cabins, and placed them in a position to be floated over to the Dakota side, the moment they heard of the treaty. Word came in May that the treaty had been consummated, the logs were floated over from Nebraska, and by working all night the foundations of twelve cabins were laid. Next day the whole force went to work upon the first cabin, and by night it was almost completed. Just then Chief Dog's Claw, with about seventy-five of his warriors, came along and pitched all the loose building material into the river. The treaty for which they had been waiting was not yet ratified, and no one knew it better than the Indians. Fortunately for the white men, they had left their guns on the Nebraska side of the river. This fact, coupled with the coolness of a man named Bunsell, who had

joined the party a few days before, averted serious trouble. The Indians would not attack unarmed men, and Bunsell claimed to be acting under a government license. He showed no papers, because he had none, but his apparent earnestness impressed the Indians and the next day the chiefs and head men joined the whites in a feast, and the cabin was finished without further molestation.

Major Hanson further says that the first logs prepared by the agents of Frost, Todd & Co. for their building were confiscated by the Holman party for firewood. In October, 1858, a party of Indians, returning from a hunt, set fire to the Holman cabin and it was totally destroyed. It was never rebuilt. It was asserted by Mr. Holman that the Indians were acting under the influence of Frost, Todd & Co.'s agents who at that time were George D. Fiske, Frank Chapel and J. T. Presho.

Another author says the first house in Yankton was built in 1858 by W. P. Lyman, George D. Fiske and others, for a trading post, under a license of D. M. Frost & Co. of St. Louis. Which-ever of these accounts may be correct, it is certain that the settlement of Yankton began that season.

The year 1858 was pregnant with events for Southeastern Dakota. April 19, a treaty by which a large tract of land, in the valley of the James, Big Sioux, and Missouri rivers, was ceded to the government, was concluded with the Yankton chiefs, who had gone to Washington with Captain Todd. The boundaries of this cession were as follows: Beginning at the confluence of the Big Sioux and Missouri rivers, thence up the Big Sioux to its junction with Lake Kampeska; along the northeastern shores of said lake to the most northern point of the same, thence in a direct line to the mouth of Snake river (this line is represented by the fourth standard parallel); up the Snake river to the head waters; from there in a direct line to the headwaters of East Medicine Knoll creek; down the creek to its confluence with the Missouri, and down the Missouri to the place of beginning. All included within these boundary lines, except a reservation of four hundred thousand acres, was, by this treaty opened to settlement. All the islands in the Missouri river were also opened.

The reservation began at the mouth of Chouteau creek, and extended up the Missouri for thirty miles, the river forming the southwestern boundary; from the same point to the headwaters of Chouteau creek, which formed the eastern boundary. The northern and western boundaries were established by survey, so

the entire reservation would contain the stipulated four hundred thousand acres.

All spring and summer parties of immigrants kept coming in, Sioux Falls and Yankton being the centers of settlement. In May, Minnesota was admitted into the Union. Through the influence of the Dakota Land Company, the boundary line between Minnesota and Dakota was fixed, as it is at present, leaving all west of it unorganized. Thus disconnected from all forms of civilized government, the problem of how to secure the benefits of a regularly constituted government confronted those early settlers of Dakota. As conditions existed each one was a law unto himself. So far all had worked, if not in perfect harmony, at least without friction, but with new settlers constantly coming in the time must soon come when some must be clothed with authority to preserve order. They fully understood that their only source of relief lay in congressional action, as congress only had the power to organize a new territory. But this would require time, and it was therefore important that the matter should be brought before congress at the earliest possible moment, and in the most forcible way.

Another reason for organization presented itself. As the number of white settlers increased the Indians looked sullenly on with constantly increasing discontent. They had not yet been placed in possession of the reservation set apart for them by the treaty, yet they saw the white men coming in and taking possession of their hunting grounds. In June, 1858, their dissatisfaction culminated in a raid on all the settlements in the Big Sioux valley, above Sioux Falls, that had been established by the Dakota Land Company the year before. All the buildings at Medary were burned, the settlers there fleeing to Sioux Falls for protection. Soon after this the settlement at Sioux Falls City received word from the Indians that the valley must be immediately vacated. At this time there were thirty-five able bodied men at the falls. A consultation was held in which it was unanimously agreed to stand by their homes. The Dakota Land Company, in the beginning of Sioux Falls City, had the foresight to provide for just such an emergency. A story and a half stone house had been built as a place of refuge in case of attack; around this house a bulwark of sod had been thrown up, inside of which was a spring of pure water. An old circular saw, suspended in the fort served the purposes of an alarm bell, some one pounding upon it with a hammer, in case of a threatened attack. For several days following the burning of Medary, the entire population kept

within hearing of this alarm, the men taking turns at standing guard, day and night, to prevent surprises. The scare was soon over, the Indians quieted down, though several of the settlers left Sioux Falls for more congenial localities.

The incident presented an additional evidence of the necessity for some sort of government. They must organize for protection. If the managers of the Dakota Land Company had been instrumental in having Dakota cut off from Minnesota, they were now equally energetic in their efforts to secure a territorial organization. Fully cognizant of the power of the press, they determined to encourage some one to start a newspaper. A press, of the old Smith pattern, was sent out from St. Paul during the summer of 1858, and a small stone house was built, as a donation to the man who would undertake to start a paper. In September, S. J. Albright, formerly editor and publisher of the St. Paul *Free Press*, brought out the initial number of the *Dakota Democrat*.

Foreign news items were frequently a month old before they found their way into the columns of the *Democrat*; advertising was scarce because of the absence of business and professional men, as well as population; the subscription list rendered meager returns, and even the job department was not a very great source of revenue.

Under all these adversities the paper was finally forced to suspend. But while it was in existence it was an earnest advocate of early territorial organization, unceasing in its calls upon the general government for prompt action in this direction, and in favor of a local self constituted government until congress should offer relief by erecting a territory of Dakota.

It was finally decided to organize a government among themselves, elect a legislature to pass such laws as circumstances required, memorialize congress for a territorial organization, and, above all, elect a delegate to congress to urge the necessity for immediate action. Although this idea was first discussed by a very few of the leading spirits, it was not intended that these few should usurp the authority to establish this self constituted government, or to control the affairs of this embryonic state. A mass convention at which it was decided to elect members of the legislature by popular vote was called, and October 4, was fixed upon as the day for the election. One among the earliest pieces of printing from the *Democrat* office was the following:

"ELECTION NOTICE.

"At a mass convention of the people of Dakota Territory, held in the town of Sioux Falls, in the county of Big Sioux, on Saturday, September 18, 1858, all portions of the Territory being represented, it was resolved and ordered that an election should be held for members to compose a Territorial Legislature.

"In pursuance of said resolution, notice is hereby given that on Monday, the Fourth day of October, Next, at the House of In the town of In the county of an election will be held for Members of the Council and of the House of Representatives for said Legislature.

"The polls will be opened at 9 o'clock in the morning, and close at 4 o'clock in the afternoon of said day.

"Dated at this 20th day of September, A. D. 1858.

"(Dakota Democrat Print, Sioux Falls City.)"

Copies of this notice were scattered all over the Territory. After a lapse of almost half a century, an account of how this election was held presents some really amusing features, though at the time every thing was regarded in all seriousness. The whole number of voters in the Territory at that time did not exceed fifty. On the morning of October 4, they divided themselves into parties of three or four, elected each other judges and clerks of election, and then each party, with a team and wagon, started off in whatever direction best pleased them; but all going in different ways. Every few miles they would stop to rest. An election precinct would be established, and an election held.

At each of these "precincts" not only would each member of the party cast his vote, but also the votes of as many of his uncles, cousins, and other relatives, as he could think of, until the total vote ran up into the hundreds, all properly tallied and certified to.

Shortly after the election the legislature met and organized by electing Henry Masters president of the council, and S. J. Albright speaker of the house. The session was short and at the close, Mr. Masters was elected governor.

Henry Masters was a native of Maine, but at the time of the first settlement of Sioux Falls, was living in Brooklyn, N. Y. He first came alone to Dakota, and liking the surroundings at Sioux Falls, sent for his wife and three children, who were with him at

the time of his death. Mr. Masters preached the first sermon ever delivered at Sioux Falls, and doubtless the first in the Territory of Dakota. It was in support of the doctrines taught by Swedenborg.

A member of this legislature said, several years afterward: "There has never been a regular legislature in Dakota in which dignity, decorum and good order were better observed than in this squatter legislature, and it would be well for other legislatures to take pattern thereby."

A few needful bills or resolutions essential to the local welfare were introduced, duly considered and passed, or rejected, as the judgment of the members dictated. Strong resolutions and memorials to congress, praying for the early organization of a territory, were adopted, and A. G. Fuller was elected to represent the Territory in Washington. Mr. Fuller repaired to Washington upon the assembling of congress, but failed to secure admission as a delegate owing to the influence of Frost, Todd & Co., who were opposed to the immediate organization of a territory. They were interested in the site of Yankton, which as yet had a very small population. Under their trading post license, they were entitled to locate a square mile of land around their post to cover their improvements. This would include a large part of the Yankton town site, which they hoped to make the capital of the new Territory. But should immediate organization be effected, and the location of the capital be left to a popular vote, the more thickly populated settlements would in all probability award the prize to Sioux Falls.

Another agency which prevented Mr. Fuller from obtaining a hearing was evident. Already the influences which culminated three years later in the great Civil war, were at work. The feeling engendered by the Kansas-Nebraska struggle had not died out, the politicians of North and South alike were engaged in digging the "bloody chasm," and congress was averse to the organization of any more territory under the then existing circumstances. Mr. Fuller succeeded in having a post office established at Sioux Falls, and James Allen was appointed the first postmaster.

In July, 1859, the Yankton Indians began to vacate the lands ceded to the government by the treaty of the preceding April, and to go to the reservation set apart for them, near Fort Randall. As the Indians retired white men came in, so that it may be said this date marks the beginning of permanent settlement in the valleys of the James and Missouri rivers, with Yankton as a center. In the fall of this year Major Gregory removed the Ponca Indians

to their reservation, on the Dakota side of the Running Water. About the time he had completed this work, a little band of pioneers, struck by the beauty of the location, settled on Bon Homme island, in the Missouri river, about ten miles above Yankton.

The little settlement of Pembina, in the extreme northeastern part of the Territory, was also receiving accessions, and the necessity for a territorial organization became more and more apparent.

According to an article published in the *Elk Point Courier*, a few years ago, the year 1859 was ushered in with a wedding, the first in Dakota. The contracting parties were a Frenchman named John Cloud and a Crow squaw. The ceremony was performed on New Year's day, by John H. Charles, justice of the peace. No one ever contended that this marriage was a legal one. Dakota, at that time was not an organized territory, and Charles was a justice at Woodbury, Ia. Outside of that locality he had no authority to exercise the prerogatives of his official position. But the groom wanted a civilized wedding, and as this was the best to be obtained, he accepted it and went away happy.

During the spring of this year, the first white families came to Dakota. They settled in what are now the counties of Clay and Union, between the Big Sioux and Vermillion rivers, and in the vicinity of Yankton. James M. Allen, in a letter to his father, about the time Medary was burned, makes mention of a Mrs. Goodwin, who, with her husband, had come to Sioux Falls City a little while before. He also speaks of her as the only woman in the settlement and she was probably the only woman in the Territory at that time.

Two hotels were opened during the season, the first at Vermillion by George Brown, and the second at Yankton, soon after, by H. C. Ash and his wife. Ash's hotel was a log structure, standing upon the site afterward occupied by the Merchant's hotel. Toward the latter part of the summer James McHenry opened a general store at Vermillion. Toward autumn the question of territorial organization again began to occupy the minds of the people. The squatter government of Sioux Falls, this year decided to fill all the offices of a territorial government, by a popular election. A convention was called at Sioux Falls to nominate candidates, but the attendance was limited. Henry Masters was nominated for governor, but his death occurring a few days later, from a stroke of apoplexy, the name of S. J. Albright was placed on the ticket to fill the vacancy. The exact date of this convention is a matter of doubt; but it was probably in the latter part of August, or very early in September, as the

death of Governor Masters occurred on the 5th of September. Alpheus G. Fuller was nominated for delegate to congress, but declined on account of his private business, and the nomination went to Jefferson P. Kidder. Again the *Dakota Democrat* was called into requisition to apprise the people of the approaching election. In an old copy, issued in August of that year, is the following:

"ELECTION NOTICE.

"Notice is hereby given, that on Monday, the 12th day of September, 1859, at the several election precincts in the county of Big Sioux, an election will be held for the following named officers, to-wit:

"A Governor, a Secretary of the Territory, a Delegate to Congress, four members of the Territorial House of Representatives, two members of the Territorial Council, a Judge of Probate, a District Attorney, three County Commissioners, a Sheriff, a Register of Deeds, a County Treasurer, a Coroner, two Justices of the Peace, two County Assessors, and two Constables.

"Election to be held in the 1st Precinct at the Dakota House; 2nd Precinct at the house of Henry Masters; 3rd Precinct at the house of Charles Philbrick.

"J. M. ALLEN,

"Clerk Board Co. Commissioners.

"Dated this 6th day of August, A. D. 1859."

The settlers of Yankton and vicinity, nominated Capt. J. B. S. Todd for governor. The fight was not along the lines of political parties, on general issues, but a rivalry between Yankton and Sioux Falls. Captain Todd received his support from Fort Randall, and those points in the Missouri valley, that favored Yankton for the capital. Sioux Falls, and the settlements along the Big Sioux river, supported Albright, who was in favor of Sioux Falls City. As these forces were nearly equal, the settlement of Pembina, which had no candidate of its own, held the balance of power. Norman W. Kittson, a leader there, was a personal friend, and became an ardent supporter of Mr. Albright, who was elected, his election carrying the capital to Sioux Falls City.

Mr. Albright mentions the settlers at Sioux Falls City, at this time, as being Alpheus G. Fuller, J. P. Kidder, S. J. Albright, James M. Allen, J. E. Gay, Byron M. Smith, F. J. DeWitt, W. W. Brookings, Dr. J. L. Phillips, Mrs. Masters, and her three chil-

dren, C. S. White, wife and child; — Greenleaf and wife; Baron F. Freidenrich, and his son; J. B. Amidon, wife and two grandchildren; I. S. Stewart, Joseph Scales, Charles Philbrick, James M. Evans, A. L. Kilgore, L. B. Atwood and James McCall.

The second session of the squatter legislature met on the 2nd of November, but for lack of a quorum was not able to transact any business until the 7th. No capitol building had been provided, so the senate, or council, met at the residence of W. W. Brookings, while the house found quarters in the office of the *Democrat*. The members of this legislature were as follows:

Council: J. B. Amidon and W. W. Brookings, representing Rock and Midway counties; L. B. Atwood and James McCall, from Big Sioux and Pipestone counties, and Joseph Scales, and J. B. Greenway, from the district composed of Yankton and Vermillion counties.

In the house Midway and Pipestone counties were represented by J. W. Evans, C. Cooper, J. E. Peters and William Stevens; Big Sioux county by John Rouse, George Freidenreich, S. J. Albright and R. M. Johnson; Rock and Vermillion, by Albert Kilgore, Amos Shaw and William Little; Yankton county not represented.

It is quite likely that none of these legislators was a resident of either Yankton or Vermillion counties. A casual review of the names of those constituting the council shows that five of the six members are included in the list of Sioux Falls settlers, given by Mr. Albright, though mentioned as representing other counties or districts.

When the legislature convened, "House Bill No. 1 to enact certain laws for the government of Dakota," was already prepared. The basis of this bill was the Minnesota code, amended to suit the conditions then existing in Dakota. W. W. Brookings was elected president of the council, and S. J. Albright was again elected speaker of the house. Early in the session they passed a resolution making the *Dakota Democrat* the "official organ of both branches" of the legislature. House bill No. 5 "providing for the death or resignation of the governor" passed the house November 14, and two days later passed the council. Upon the death of Governor Masters the office became vacant. S. J. Albright's name was placed on the ticket while he was in St. Paul. When he returned home, he expressed his disapproval of the action of the committee, preferring to be a member of the house, and its speaker, as he had been the year before. Only a few days elapsed between the death of Governor Masters and the election

on September 12. It was impossible to notify all parts of the Territory of Mr. Albright's views on the subject. He was elected by the popular vote on the 12th of September, but was given a seat in the house, leaving the office of governor vacant by resignation. Hence originated house bill No. 5 which conferred the office upon the president of the council.

The legislature continued in session until November 18, when it adjourned *sine die*, and with its adjournment ended the last legislative session of the squatter government of Dakota.

Notwithstanding Captain Todd had been a candidate for governor, and had received the support of many Yankton people, there was an element there that looked upon the squatter government as irregular. November 8, 1859, a public meeting was held in Yankton to give voice to the sentiments entertained by this class. D. T. Bramble was chosen chairman, and Moses K. Armstrong, secretary. Among other proceedings, they adopted a resolution declaring that, "We do not approve of any election that has been held, nor will we participate in any that may be held in any portion of this territory for the purpose of electing a delegate to Congress, but we trust in the wisdom and justice of Congress to provide us with a legal form of government at an early day."

Copies of this resolution were sent to all the settlements in Southeastern Dakota. In November 9, the day following the meeting at Yankton, a similar mass convention was held at Vermillion, J. A. Denton acting as chairman and James McHenry as secretary. At this meeting the Yankton resolution was adopted; other settlements soon joined in the movement, and the real effective work of securing a territorial organization was begun. Whatever may have been the difference of opinion as to methods, all were a unit with regard to the object to be gained. At all the meetings memorials asking congress to establish a territorial government for Dakota were adopted. Strong resolutions of the same tenor were passed by the legislature, as well as memorials to ratify the laws passed and to recognize Judge Kidder as a delegate. As soon as congress convened Judge Kidder went to Washington, armed with copies of all these resolutions and memorials, to which he was prepared to add his personal efforts to secure territorial recognition. He also carried a certificate of election as delegate, dated December 1, 1859, setting forth that he had been "duly elected." This certificate was signed by W. W. Brookings, Governor, *Ex-officio*.

Jefferson P. Kidder was a native of Vermont, being born at Braintree, in that State, in 1816. He was educated in the Orange

County Grammar School, the Norwich Military Academy, in which he was afterward a tutor, and received the degree of Master of Arts from the University of Vermont in 1848. He then entered the law office of L. B. Peck, of Montpelier, and studied law. He was a member of the Vermont constitutional convention in 1843; was state's attorney from 1842 to 1849; member of the state senate 1847-8; lieutenant governor of Vermont, 1854; removed to St. Paul in 1857. When elected provisional delegate from Dakota, in 1859, he was not a citizen of the proposed Territory, though he afterward became closely identified with Dakota affairs. In 1865 he was appointed an associate justice of the supreme court of Dakota Territory; reappointed in 1869 and again in 1873; was elected delegate to the Forty-fourth congress in 1874, and to the Forty-fifth in 1876. In 1879 he was again appointed associate justice of the Dakota supreme court, and held the office until his death October 2, 1883.

No better man than Judge Kidder could have been found then to present the claims of Dakota to congress. His large personal acquaintance, his high standing in the legal profession and his thorough familiarity with political methods, enabled him to obtain a hearing where other men would have failed. To the memorials and resolutions of the people of Dakota, he added a personal brief, couched in courteous but forcible language, showing why Dakota should be recognized as a territory, and he be given admission as a delegate. He was accorded an honorary seat in the house, and on April 12, 1860, his certificate of election, brief, etc., were all filed with the committee on elections, to whom the whole matter was referred. The official record of this case may be found in document No. 73, volume VI, miscellaneous, 1st session of the 36th congress.

Few events of importance occurred during the year 1860, the people anxiously awaiting the action of congress. Immigrants continued to come in, though not in large numbers. Those already on the ground proceeded with permanent improvements, confident that the time could not long be delayed when a territory must be established. Log churches were erected at Yankton and Vermillion during the spring, and three preachers, the Reverends Hoyt, Ingham and Martin, were on hand to minister to the spiritual wants of the settlers.

Mr. Martin, a Presbyterian preacher from Dakota City, Neb., preached the first sermon, in January of this year, that was ever heard in Yankton. The meeting was held in a building that had been put up by D. T. Bramble for a store room. Major Hanson,

in his *Reminiscences*, says a whisky barrel served as a pulpit, and that the text was from Proverbs, thirteenth chapter and eleventh verse. The same authority says the opening sentence of Father Martin's prayer, on that occasion, was :

"O Lord, may the people of this town not become puffed up with importance because of their greatness, and become proud and haughty, but accept this great trust as coming from the hand of a kind and generous Father, to be used by them in the upbuilding of education and religion to Thy great glory."

During the summer Van Meter's ferry was opened, and Compton & Deuel, as proprietors of the new sawmill, announced that they were ready for business. A post office was established at Yankton, and D. T. Bramble was appointed the first postmaster. To accommodate this office the United States mail service was extended from Sioux City, Ia., sixty miles, the mail being brought to Yankton once a week. The first frame house in Yankton was built this year by D. T. Bramble.

On December 27, a mass convention was held in Yankton, to again memorialize congress for a territorial government. Petitions were prepared and put into circulation for signatures, after which the meeting adjourned to the 15th of January, 1861. At this adjourned meeting it was found the memorial and petition had been signed by five hundred and seventy-eight citizens. No time was lost in forwarding this petition to Washington, and the people of Dakota soon had the pleasure of hearing that congress had passed an act in conformity to their desires.

In January, George D. Fiske, one of the agents of Frost, Todd & Co., was caught in a blizzard and frozen to death. His grave was the first in the settlement of Yankton.

CHAPTER II

The Territory from 1861 to 1875

ON MARCH 2, 1861, two days before going out of office, President Buchanan approved the bill for a territorial government. The boundaries then included all of Montana and the eastern slope of Idaho; extending from British America, on the north, to the Niobrara and Turtle Hill rivers on the south; along the 43rd parallel to the summit of the Rocky mountains, and along the summit to British America. As organized, the Territory of Dakota was the largest Territory ever erected by the United States. It contained more than three hundred and fifty thousand square miles, with two thousand miles of navigable rivers.

Though approving the bill, President Buchanan made no appointments of territorial officers, leaving that matter for his successor. In April, President Lincoln appointed the following: For governor, William Jayne, of Illinois; secretary, John Hutchinson, of Minnesota; chief justice, Philemon Bliss, of Ohio; associate judges, L. P. Williston, of Pennsylvania, and J. L. Williams, of Tennessee; district attorney, William E. Gleeson, of Maryland; U. S. marshal, W. F. Shaeffer, of Maryland; surveyor general, George D. Hill, of Michigan.

William Jayne, the first governor of the Territory of Dakota, was born at Springfield, Ill., in 1826. He was educated in the public schools of that city, and the State University of Illinois, after which he took a course in medicine at the Missouri Medical College. For eleven years he practiced his profession in his native city, during which time he became an intimate friend of Abraham Lincoln. Doubtless personal friendship influenced President Lincoln in appointing Doctor Jayne governor of the new Territory,

but subsequent events demonstrated the wisdom of his choice. Although the period of his administration, from 1861 to 1863, was a period of general disturbance, owing to the Civil War, and notwithstanding the unavoidable friction concomitant upon the organization of a new government, Doctor Jayne was equal to every emergency. He had served as mayor of Springfield and in the Illinois State senate, and had therefore had experience in public affairs. He was a man of temperate habits and conscientious motives, and soon won the confidence of the people of the Territory he had been called to govern. In 1862 he was elected delegate to the Thirty-eighth congress from Dakota, but his seat was successfully contested by Capt. J. B. S. Todd. Soon after this he returned to Springfield, Ill., where he was elected mayor three times in succession. When the First National bank of Springfield was organized, he became a stockholder, and was for ten years the vice president of the bank.

Governor Jayne arrived at the city of Yankton May 27, 1861, and at once entered upon his duties. A census which was taken showed the population of the Territory to be a little in excess of twenty-four hundred. On the 13th of July the governor issued his first proclamation, dividing the Territory into judicial districts and assigning the judges. The first judicial district was made to consist of "all that part of the Territory of Dakota lying east of a line between ranges fifty-three and fifty-four, west, and west of the fifth principal meridian." Over this district Judge L. P. Williston was appointed to preside. The second judicial district consisted of "all that part of the Territory of Dakota lying between the line dividing ranges fifty-three and fifty-four, and the line dividing ranges fifty-seven and fifty-eight. Chief Justice Philemon Bliss was assigned to this district. Judge Joseph L. Williams was assigned to the third district, which was all that part of the Territory west of, and not included in, the other two. The first courts were held at Bon Homme, Yankton and Vermillion, but the territorial offices were located at Yankton.

On July 29, the governor issued a second proclamation dividing the Territory into legislative districts and appointing September 16 for a general election, at which members of the first territorial assembly, and a delegate to congress should be chosen.

The first council district included all between the Missouri and Big Sioux rivers, west to the range line dividing ranges fifty and fifty-one. This included all the Red river valley, with the towns of St. Joseph and Pembina, and was entitled to two councilmen. The second district was bounded on the east by the line separating

ranges fifty and fifty-one, and extended west to the Vermillion river. This district was also given two members of the council. Beginning at the Vermillion river on the east, the third district extended as far west as the line dividing ranges fifty-three and fifty-four, and was given one councilman. From the western boundary of the third district the fourth extended to the line dividing ranges fifty-seven and fifty-eight, and was entitled to two members of the council. The fifth district had for its eastern boundary Chouteau Creek, and extended far enough west to include what was known as the Hamilton settlement. It also included all that part of the Territory lying between the Missouri and Niobrara rivers. Two councilmen were apportioned to this district.

By the same proclamation the representative districts were fixed as follows: The first district lay between the Missouri and Big Sioux rivers, extending west to the line dividing ranges fifty and fifty-one, and north to the line between townships ninety-four and ninety-five. Two voting places were named for this district: The first at the house of Thomas Maloney, where William Matthews, James Somers and Thomas Maloney were to serve as judges; the second was at Eli Wilson's hotel, at Elk Point, with Sherman Clyde, William Frisbie and K. P. Ronne, judges of election. Two representatives were to be elected from this district.

The second district, which was entitled to one representative, lay west of the Big Sioux river and north of the line dividing townships ninety-four and ninety-five, extending west to the line between ranges fifty and fifty-one, and north to an east and west line drawn from the south end of Lake Preston. In this district the voting place was located at William Amidon's residence, and G. P. Waldron, Barney Fowler and John Kelts appointed to serve as judges of election. North of the northern boundary of the second district, and extending to British America, lay the third district, the eastern boundary of which was the Red river, and the western boundary the line dividing ranges fifty and fifty-one. This district included the settlements of St. Joseph and Pembina, and was entitled to one member of the house. The voting place in Pembina was at the house of Charles LeMay, where the election judges were James McFetridge, H. Donelson, and Charles LeMay. At St. Joseph the voting place was at the house of Baptiste Shortette, who with Charles Bottiman and Antoine Zangrean constituted the election board.

The fourth representative district was bounded on the east by the line between ranges fifty and fifty-one, and on the west by the

Vermillion river. Two members were apportioned to this district, and the voting was to be done at the residence of James McHenry, in Vermillion, where A. J. Harlan, Ole Anderson and A. Eckels were appointed election judges. West of the Vermillion river and extending to the line between ranges fifty-three and fifty-four, was the fiftieth district, entitled to two representatives. In this district the voting place was located at the house of Bly Wood, and Ole Oleson, Bly Wood and Ole Bottolfson were to serve as judges of election.

Beginning at the line between ranges fifty-three and fifty-four on the east, the sixth district extended west to the line dividing ranges fifty-seven and fifty-eight. Two members were to be elected from this district, and the office of Todd & Frost, in Yankton, was designated as the voting place. The judges of election appointed for this district were Moses K. Armstrong, Frank Chapel and J. S. Presho.

The seventh district, to which two representatives were apportioned by the proclamation, began, on the east, at the line dividing ranges fifty-seven and fifty-eight, and extended west to Choteau Creek. This district voted at Herrick's hotel, in Bon Homme, where Daniel Gifford, George M. Pinney and George Falkenburg constituted the election board.

The eighth representative district was identical with the fifth council district. One member of the house was to be elected from this district; and two voting places were located; the first at the residence of F. D. Pease, where J. C. Hamilton, Benjamin Estes, and Joseph Ellis acted as judges, and the second at Gregory's store where the judges were Charles Young, James Tufts and Thomas Small.

Three candidates presented themselves for congressional honors; Capt. J. B. S. Todd, who ran as an independent, A. J. Bell, representing the Union party, and C. P. Booge, who styled himself the people's candidate. In June, 1861, Ziebach & Freny began the publication of a paper, at Yankton, called the *Weekly Dakotaian*, the first number appearing June 6. A paper, called the *Republican*, was started a month later at Vermillion, by Bedel & Clark. During the campaign the *Dakotaian* supported Todd, the *Republican* advocated the election of Bell, while it is said Booge depended mainly upon stump speeches and fast horses. At the election 585 votes were cast. Of these Todd received 397, Booge 110, and Bell 78. Todd was declared duly elected, and the board of canvassers issued him a certificate accordingly.

By a provision of the organic act, Dakota was made a distinct land district. The president had appointed a surveyor general, and in the summer of 1861 a land office was opened at Vermillion, with H. A. Kennerly, register, and Jesse Wherry receiver, but, for some reason, was closed before any business was transacted and remained closed until the autumn of 1862.

At the time President Lincoln appointed the officers for the Territory of Dakota, he also named H. A. Hoffman, of New York, as agent for the Ponca Indians, and Dr. W. A. Burleigh, of Kittanning, Pa., as agent for the Yanktons. Doctor Burleigh arrived about the first of July, and opened his agency on the reservation opposite Fort Randall. Soon after the Indians became incensed at some of his rulings, and threatened to burn the agency. Doctor Burleigh sent two men to Fort Randall for assistance, and next morning a detachment of United States regulars came, just as the attack was about to begin. Trouble was averted for the time, though it broke out with renewed vigor the following summer.

The winter of 1861-62 was unusually severe. Owing to the poorly constructed houses, several froze to death. With the breaking up of the ice in the streams, a mighty ice gorge was formed a short distance below the mouth of the Dakota river, causing the streams to overflow their banks. The flood extended to Sioux City, a distance of sixty miles, and many of the settlers were driven from their homes, some losing everything they possessed. Under these conditions it was natural that some should become discouraged and leave the Territory. But there were some courageous ones, not to be dismayed by frost or flood, who toiled on and by their perseverance built up the great State of South Dakota.

During the winter Company A of the Dakota cavalry was organized under authority of the secretary of war. Ninety-six men were enrolled; Nelson Miner was made captain, and the company was mustered into the United States service on the 19th of April, 1862.

On March 17, 1862—St. Patrick's day—pursuant to the governor's proclamation, the first territorial legislature was convened. At the election, the preceding September, the following were elected members of the council: From the Yankton district Enos Stutsman and D. T. Bramble; from the East Vermillion district, H. D. Betts and J. W. Boyle; from West Vermillion, Jacob Deuel; from Big Sioux and Red river, Austin Cole and W. W. Brookings; from Bon Homme, John H. Shober; from the Fort Randall district, J. S. Gregory. The membership of the house

was made up as follows: From Yankton, Moses K. Armstrong and John Stanage; from East Vermillion, L. Burgess and A. W. Puett; from West Vermillion, J. A. Jacobson and B. E. Wood; from Big Sioux and Red river, C. Maloney, J. C. McBride, G. P. Waldron and H. S. Donaldson; from Bon Homme, George M. Pinney and Reuben Wallace; from Fort Randall, John L. Tiernon.

Chief Justice Philemon Bliss administered the oath of office to the members. The council organized by the election of John H. Shober, of Bon Homme, president, and James Tufts, of Yankton, secretary; E. M. Bond, of Clay county, was elected assistant secretary; W. R. Goodfellow, enrolling clerk; Rev. S. M. Ingham, of Yankton, chaplain; Charles F. Picotte, sergeant-at-arms; E. B. Wixson, of Cole county, messenger, and W. W. Warford, of Bon Homme, fireman. As no capitol building had yet been provided, the council met in a house that was afterward occupied by Gen. William Tripp as a residence.

The house soon effected an organization by the election of George M. Pinney, of Bon Homme, speaker, and Joseph R. Hanson, of Yankton, chief clerk. The subordinate positions were filled by the election of James M. Allen, assistant clerk; Daniel Gifford of Bon Homme, engrossing clerk; M. D. Metcalf, chaplain; James Somers, sergeant-at-arms; A. B. Smith, messenger, and Ole Anderson, fireman. The meetings of the house were held in a house afterward occupied by the Rev. M. Hoyt.

As soon as the two bodies were organized, they met in joint session to hear the governor's message. In his first message Governor Jayne called attention to the natural advantages of Dakota, predicted a great future for the Territory, and closed this part of his message by saying:

"It is well for you to remember that you are not legislating alone for today, but also for an indefinite future—not for a few thousands now resident in the territory, but for the tens of thousands who will soon be attracted within our limits."

The publication of this message, and the favorable comments it received from many of the leading newspapers, did much to attract attention to the resources and possibilities of Dakota, and encourage immigration. This was really the first official utterance from the Territory of Dakota, that had ever been given to the general public. In his recommendations Governor Jayne advised legislation to regulate intercourse with the Indians, particularly regarding the liquor traffic, to provide for the organization of some kind of a militia, owing to the exposed position of

the Territory on the frontier, to prescribe sound election laws to "preserve the purity of the franchise," and to make some provision for a school system. On this point the governor said: "Every dollar levied for the support of schools, lessens, by many dollars, the taxes which would be assessed for prisons and poor-houses." These recommendations were generally observed by the assembly, and much of the legislation of this first session was along the lines suggested. One of the first acts, in which both houses concurred, was the election of George W. Kingsbury, who had become interested in the *Dakotaian*, to the office of public printer.

Everything went along smoothly until April 5, when a bill locating the permanent seat of government at Yankton passed the council, and was sent to the house. Pinney, when he was a candidate for the speakership, had entered into a written agreement with the friends of Yankton to vote for that place for the capital, and upon this pledge they had given him their support for speaker. Now, when the question came before the house, Pinney left the chair and moved to amend by striking out the word Yankton and inserting Bon Homme. This amendment being lost, he next moved to amend by striking out the word Yankton and inserting Vermillion. On this there was a tie vote, when, by virtue of his office as speaker, he decided in favor of the amendment.

In the scenes which followed, Moses K. Armstrong, one of the members of the house, afterward said that "a little blood was shed, much whisky drank, a few eyes blacked, revolvers drawn, and some running done." Pinney was charged with being a traitor and a liar, and sergeant-at-arms, Somers, offered to throw him out of the house. The feeling against the speaker ran so high that he asked the governor for protection. Consequently the next morning, when the house met, the members found twenty men, from the Dakota cavalry, ranged around the speaker's desk. A resolution asking the governor to explain the presence of the troops was offered, but the speaker ruled the resolution out of order, at the same time stating that he had made a request for protection in case an effort should be made to remove him. Then the council took a hand and demanded an explanation from the governor, as to why the military had been sent to the house. Governor Jayne promptly replied that the troops had been placed there "at the request of one George M. Pinney," who had "cowardly and scandalously reported that he feared outside violence from the people." The governor's explanation was ordered spread upon

the journal of the council proceedings, which so humiliated Mr. Pinney that he resigned, and John L. Tiernon, of the Fort Randall district, was elected in his place.

After everything quieted down, the location of a capital again came up in the house with the result that a compromise was effected, Yankton getting the capital, Vermillion a university, while the territorial penitentiary was to be located at Bon Homme. The provisions of this act were never fully carried out.

Early in the session the question of establishing counties and defining their boundaries, came up. On the 5th of April the governor approved a bill establishing the counties of Bon Homme, Brookings and Deuel. April 10, he approved another act providing for the establishment of Clay, Cole and Yankton counties. Sheyenne, Chippewa, Stevens and Kittson counties were established April 24, and on May 8, the counties of Jayne, Hutchinson, Todd, Gregory, Charles Mix and Bruguier were erected. Few of the counties established at this first session of the legislature, retain their original boundaries, and some have ceased to exist. One may search in vain the map of Dakota for Jayne county, yet the act of May 8, 1862, which created it defined its boundaries as follows: Beginning at the northeast corner of Yankton county; thence north thirty miles; thence west twenty-four miles; thence south to the northwest corner of Yankton county, and east along the boundary of Yankton county to the place of beginning.

In other words Jayne county lay directly north of Yankton county, was thirty miles in extent from north to south, and twenty-four miles from east to west. A glance at the map shows that territory today to be included in Turner and Hutchinson counties. So, too, Cole county has disappeared from the extreme southeastern part of the State, between the Missouri and Big Sioux rivers, and the county of Union occupies its place.

An act establishing a code of civil procedure and also a criminal code, was approved by the governor early in May. The code of civil procedure provided for the form, time and manner of beginning civil proceedings; jurisdiction of courts; rules of pleading; trials by jury; by court; rules of evidence; causes of action, etc. The criminal code defined crime, and classified crimes into offenses against person, property, public policy, public justice, public peace, public health, and public morality, and suitable penalties were provided for violations. These codes were repealed a few years later to make room for others more comprehensive in their provisions, though their principal features have been retained

through all subsequent legislation. The legislature adjourned May 15.

As previously stated, the United States land office was reopened at Vermillion, in the fall of this year, James M. Allen being appointed register, and M. Wilkinson receiver. The first pre-emption claim in Dakota was made by Thomas McLeese, and the first homestead entered by Mahlon Gore, though it was afterward forfeited by abandonment during the Indian troubles.

By the treaty at Traverse de Sioux in July, 1851, the chiefs of the Sisseton and Wahpeton bands of Sioux were to receive two hundred seventy-five thousand dollars, and thirty thousand dollars more was to be expended in improvements for the benefit of the tribe. At Mendota, August 5, the government agreed to pay the chiefs of the Medewakanton and Wahpekuta bands two hundred thousand dollars and the further sum of thirty thousand dollars was to be expended in improvements. It was agreed that these sums should be paid in open council, but the promise of the government representatives was not kept, according to the understanding of the Indians, and dissatisfaction resulted. Added to this source of discontent was the massacre at Spirit Lake, Ia., in 1857, since which time the Indians had been nursing the wrath that broke out into open hostilities at Fort Ridgely, New Ulm and Birch Coolie, Minn., on the 23d of August, 1862.

When the news of the Indian uprising reached Dakota, it brought tears and terror to many a humble cabin, where man and wife had toiled hand in hand, hoping to build up a home, in this new country, where they could spend their declining years in peace, and in the enjoyment of the fruits of their industry and frugality. Stories of massacres never grow less by being repeated. All the horrible details of those in Minnesota were dwelt upon and augmented, until by the time the reports reached Dakota they were awful enough to fill the stoutest heart with fear. It was soon learned that the chief Little Crow, and some of the most murderously inclined of the Indians had escaped, and were headed for Dakota, which increased the general anxiety.

On August 25, Judge J. B. Amidon and his son (or his grandson) left their home at Sioux Falls to go about a mile from the village to cut hay. Night came on, but they did not return home. Mrs. Amidon became uneasy, and a searching party was organized. They found the team of oxen, tied to the wheels of the wagon, but no trace could be found of Mr. Amidon or the boy. Next morning the search was renewed, and the body of the judge

was soon found. A bullet hole in his back, indicating instant death, told the story. Search was continued until the body of the boy was found in an adjacent cornfield, pierced by a dozen or more arrows. He had evidently lived some time, for he had managed to pull several of the arrows from his body before death overtook him. The news of this ruthless butchery spread rapidly, and the alarm became general. People hurriedly gathered together a few necessities, packed them in a bundle and started in quest of a place of refuge. At the time of the Amidon murder, Sioux Falls was one of the most flourishing settlements in the Territory. Besides a number of comfortable dwelling houses, there was a hotel, a general store, a printing office and a steam saw mill, all doing a fair business. Now all was changed, and in a little while the place was abandoned to Indian savagery. All the buildings except three were burned, and the valley of the Big Sioux remained practically deserted for several years.

In this extremity Governor Jayne issued a proclamation calling every able bodied man in the Territory into armed service to protect homes from the torch, and loved ones from the knife and tomahawk. About four hundred citizens promptly responded to the governor's call, and presented themselves at Yankton ready for military duty. Each man furnished his own arms, and, in a large majority of cases, each found his own subsistence. These volunteers were hurriedly organized into a company, with F. M. Ziebach, captain, David Fisher, first lieutenant, and John Lawrence, second lieutenant. A stockade was soon under way, including within its limits the central part of the city. It began on Fourth street, at the alley west of Broadway, ran east to Cedar street, then south to the middle of the block south of Third street, west to the alley west of Broadway and north to the place of beginning. Not much choice was displayed in the selection of materials, lumber, dirt, loads of manure, pieces of stone, anything that would serve to increase the size of the bulwark, and offer resistance to a foe being acceptable. While the men worked on this extemporaneous fortification, the women encouraged them by cheering words and cups of fragrant coffee, until the fort was pronounced complete.

Meantime Captain Miner's company of cavalry was divided into small parties, which scoured the country in all directions, looking for hostile Indians and warning the settlers to seek safety in the stockade at the capital. Soon nearly all the settlers were either congregated in Yankton, or had left the Territory for other states. Those in the Yankton stockade were expecting every

moment to be attacked. Maj. W. P. Lyman and J. K. Fowler, first lieutenant of Captain Miner's cavalry, had been to the agency to ascertain the feeling of the Indians there. They came back and reported that the head chief, Strike the Ree, was unquestionably friendly to the whites; but that he had told them he was meeting with opposition from some of his warriors, and might be unable to control the young men of his tribe.

Roving war parties of Indians between Yankton and Vermillion prevented travel for a while, and outrages by these bands were frequent. Three miles from the capital the United States mail carrier between Yankton and Sioux City was waylaid and robbed, but was fortunate enough to escape with his life. A stage driver was shot and killed near Chouteau Creek, his horses stripped of the harness and driven away, and at the Dakota river ferry one man was killed, and others were wounded.

At the Unkpapa agency, on the upper Missouri, some trouble was experienced in getting the Indians to accept the goods sent out by the government. The agent, Samuel N. Latta, finally prevailed on one of the chiefs, named Bear's Rib, to accept the portion due his band. Bear's Rib reluctantly consented, telling the agent at the time that he feared his people would kill him for accepting the goods. Subsequent events proved that his fears were not groundless, for soon after Agent Latta received the following communication from the principal chiefs of the Unkpapa tribe:

"We have this day requested Mr. Garreau to deliver to you this our message. It is our wish that you stop the boat belonging to Mr. Galpin at this place and send it back, as we don't want the whites to travel through our country. We claim both sides of the river, and boats going above must of necessity pass through it. We do not want the whites to travel on our lands. The Indians have given permission to travel by water, but not by land; and the boats carrying passengers we will not allow. If you pay no attention to what we now say to you, you may rely on seeing the tracks of our horses on the war path.

"We beg of you for the last time not to bring us any more presents, as we will not accept them. As yet, we have never accepted of your goods since you have been bringing them to us. A few of our people have been in the habit of receiving and receipting for them, but not with the consent of the nation or the chief soldiers and headmen of our camp.

"We notified Bear's Rib yearly not to receive your goods; he had no ears, and we gave him ears by killing him. We now say to you, bring us no more goods; if any of our people receive any

more from you we will give them ears as we did Bear's Rib. We acknowledge no agent, and we notify you for the last time to bring us no more goods. We have told all the agents the same thing, but they have paid no attention to what we have said. If you have no ears we will give you ears, and then your Father very likely will not send us any more goods or agent.

"We also say to you that we wish you to stop the whites from traveling through our country, and if you do not stop them we will. If you whites have no ears we will give them ears.

"The whites in this country have been threatening us with soldiers. All we ask of you is to bring men, and not women dressed in soldier's clothes. We do not ask for soldiers to fight without you refuse to comply with what we ask. We have sent you several messages, and we think you have not received them; otherwise, we would have heard something from you. We are not certain that you will ever hear what we now say. You may get this and tear it up, and tell your father that we are all quiet and receive your presents, and by this means keep your place and fill your pockets with money, while our Great Father knows nothing of what is going on, but is like a blind old woman that cannot see. We beg of you for once to tell our Great Father what we say and tell him the truth."

This letter was signed by nine of the Unkpapa chiefs, viz.: Feather Tied to His Hair, The Bald Eagle, The Red Hair, The One That Shouts, Little Bear, Little Knife, The Crow That Looks, Bear Heart and White at Both Ends. It has been reproduced here because it shows the feeling of several of the tribes in Dakota immediately following the Minnesota massacre. One account says Bear's Rib was killed within the gates of Fort Pierre. He was one of the chiefs appointed by General Harney, in 1856.

In August the Indians at the Yankton agency showed signs of becoming hostile. Doctor Burleigh built a block house, which was garrisoned by a small body of troops sent from Iowa. These preparations for defense, together with the fact that the head chief of the Yanktons, Struck by the Ree, remained the firm friend of the whites, dampened the ardor of the young braves, and no attack was made.

The threatening attitude of the Indians continuing all summer, caused the settlers to feel the need of better military protection. This feeling led to the organization of Company B of the Dakota cavalry, numbering eighty-eight men, with William Tripp as captain. During the Indian troubles in the two years following,

this company and Captain Miner's rendered valiant service, and from their activity were soon known as the Dakota Rangers.

Toward fall the Indians quieted down somewhat, preparatory to going into winter quarters. This gave the settlers an opportunity to return to their homes and save enough from their neglected crops to prevent starvation, though the outlook was anything but hopeful.

On July 16, a convention at Yankton nominated Governor Jayne for delegate to congress. Another convention at Vermillion, on July 24, nominated Capt. J. B. S. Todd for re-election. The first canvass of the votes, by Secretary Hutchinson and Chief Justice Bliss, showed that Jayne had received 408 and Todd 375 votes. Some irregularities in the election, and in the canvass of the vote were alleged by Captain Todd, who announced his intention of contesting the election. He employed John Currier, Jesse Wherry and William E. Gleeson as his attorneys and they at once served notice upon the governor. Governor Jayne retained W. W. Brookings, Enos Stutsman and George M. Pinney and a contest was begun which lasted all winter. Todd's evidence showed that 22 legal votes, cast for him in the Bon Homme district, were thrown out, that seven non-residents voted in Yankton county, that 39, or more, illegal votes were cast in the Brule Creek precinct, and that the vote was canvassed before the returns of Kittson county were received. On this showing congress awarded him the seat, and soon after the contest was settled Governor Jayne returned to Springfield, Ill.

The council elected in 1862 was made up as follows: From Yankton county, Enos Stutsman and D. T. Bramble; for Clay county, H. F. Betts and J. W. Boyle; for Cole county and Sioux Falls, A. Cole and W. W. Brookings; for the Red river district, James McFetridge; for Bon Homme county, John H. Shober; for the Fort Randall district, J. S. Gregory.

The members of the house were: For Yankton county, Moses K. Armstrong and Knud Larson; for Clay county, A. J. Harlan, L. Bothun, A. W. Puett and J. A. Jacobson; for Cole county and Sioux Falls, N. H. Wallace, M. H. Somers and G. P. Waldron; for the Red river district, H. S. Donaldson and J. Y. Buckman; for Bon Homme, Edward Gifford and R. M. Johnson; for Fort Randall, F. D. Pease.

Pursuant to an act passed at the first session, the second legislature met on the 1st day of December, 1862. An organization was soon effected in the council by the election of Enos Stutsman, president, and James Tufts, secretary. A temporary organiza-

tion was made in the house with A. J. Harlan, speaker, and B. M. Smith, chief clerk, but owing to a number of contested seats a permanent organization was not attained for several days. Under the temporary organization the adjustment of contests was undertaken, and ten days were spent in wrangling. A fight over the location of the county seat in Cole county was the cause of the first contest. Bitter feeling was engendered during the campaign, and the Brule Creek precinct determined to win. The ballot box was taken possession of at midnight preceding election day, September 1, and 33 or more illegal voters cast their votes at that time to avoid challenge. Next day the box was used in the election with these illegal ballots already in it. As first counted the vote in three precincts showed seventy votes for William Frisbie, and thirty-eight for M. H. Somers; but in the contest the illegal votes from Brule Creek were thrown out, and the seat was given to Mr. Somers.

A similar contest came up from Bon Homme county. Only thirty-nine votes were cast in this county on the first of September. At the closing of the polls a row in which the ballot box was destroyed occurred, rendering it impossible to count the vote. Twenty-five voters made affidavits that they had voted for Edward Gifford, which would leave but fourteen votes for his opponent, Laban N. Litchfield. A second election was ordered, at which 22 of the 39 voters cast open ballots for Edward Gifford. Notwithstanding this, Laban H. Litchfield presented himself as the member from Bon Homme county, and a contest was made necessary before Mr. Gifford obtained his seat.

On the tenth day of the session six members objected to the speaker's ruling in one of these cases, and, under the leadership of A. W. Puett, withdrew, leaving the house without a quorum. They returned after a week's absence, and on the seventeenth day of the session a permanent organization was reached, Moses K. Armstrong being elected speaker, and Robert Hagaman, chief clerk.

During all this time the governor had withheld his message, refusing to submit it until the house was permanently organized. Some of the members of the council became impatient at the loss of time. Daily messages advising him that the council was ready to receive any communication he might desire to make, were sent to the governor, but the message was not forthcoming. The clerk and messenger quit, a motion to adjourn *sine die* was lost by a bare majority, and finally Attorney General Gleeson was asked for an opinion as to whether the recognition of the gov-

error was essential "to the competency of this house to proceed with necessary legislation."

Mr. Gleeson, in his decision, held that by the act of congress establishing the territory the governor had no authority for "arrogance so strange and monstrous;" that the council "may adopt rules for your government to facilitate the business of legislation, memorialize and resolve without executive sanction." He took the sting out of this decision, however, by saying in conclusion:

"The Governor will not, I am persuaded, assume to impede and prevent all legislation, in which the Territory has so deep an interest, nor permit the beneficent appropriation of the General Government, for legislative purposes, to be exhausted without benefits to the people." Three hundred copies of this opinion were ordered to be printed, but before they made their appearance the differences in the house were settled, and the matter was dropped.

Governor Jayne, in his second message, spoke in complimentary terms of the work of the first legislature; recommended amendments to the election laws providing greater security for the ballot; criticised the general government for not keeping its promises made to the Indians; and suggested a memorial to congress asking for the establishment of military posts to protect the people from the ravages of hostile Indians. A memorial in harmony with the governor's recommendation, asking for forts and garrisons at Sioux Falls, Medary, Big Stone lake, on Goose and Turtle rivers, at the mouth of Cheyenne river, Devil's lake, and some minor points, was adopted.

At the opening of the year 1863 the pioneers of Dakota were confronted by a rather cheerless prospect. The Indian outbreaks of the previous summer had driven a number of farmers from the border settlements clear out of the territory. Since the repulse of the Santees in Minnesota, the Indians were afraid of the whites. No large war parties were to be found, but a number of smaller bands that carried on a guerrilla warfare, kept the settlers in a state of constant apprehension. February 21, congress passed an act authorizing the removal of the Winnebagoes from Minnesota, to some point on the Missouri river, and Col. Clark W. Thompson was appointed to locate a new reservation within a hundred miles of Fort Randall. This move was looked upon with fear and trembling, and the general government was severely criticised for making Dakota a camping ground for all the murderous Indians in adjoining states. They sent

protest to Washington, in which it was declared, that: "Before three months there will be enough Indians located on the ceded lands of Dakota to scalp the entire Territory and burn every town and hamlet within our borders."

Henry W. Reed, agent for the Blackfeet Sioux, on the upper Missouri, early in January, had asked the war department to station two companies at each of the forts, Benton, Berthold and Pierre as a precautionary measure, but his request had not been granted. On April 8, Secretary Hutchinson, who was also acting governor, wrote to Brig. Gen. John Cook, in command of the First district, Northwest, asking for protection, but received no answer.

Added to this neglect on the part of the general government, congress had, March 3, passed an act erecting a territory out of the western part of Dakota, to be called Idaho. The discovery of gold in this region the year before had diverted emigration from the settlements in Southeastern Dakota, and the establishment of the Territory of Idaho at this juncture, served to increase this diversion.

Toward the latter part of April two men, named Thompson and Jacobson, were attacked in the night, while they were encamped at Greenway's ferry, and Jacobson was killed. Not long after this two citizens of Yankton were brutally murdered, almost within sight of the capital by one of the predatory bands that infested the country. In the meantime General Cook had been superseded by Gen. Alfred Sully. Secretary Hutchinson wrote to General Sully under date of May 6, requesting that troops be sent into Dakota to hold the Indians in check and protect the settlers. Hope revived and the future brightened when General Sully's reply, promising succor to the territory, was received. Before the troops promised by Sully arrived, the people of Yankton were overjoyed at seeing Captain Tripp's company of the Dakota cavalry, now fully armed and equipped, enter the capital, and report to Secretary Hutchinson for duty. The soldiers were greeted with flags, cheers and cannon, and the hopes of the people rose still higher, a day or two later, when four companies of the Sixth Iowa cavalry passed through Yankton on their way to Fort Randall.

In June, General Sully, with an army of two thousand men, fully equipped, entered the Missouri valley for an expedition against the Indians. He was joined by the two companies of Dakota cavalry, who remained with him until after the battle of

White Stone Hills. Another force, under General Sibley entered the territory from the east to co-operate with Sully, the intention being to scour the whole country, from Canada to the Missouri river. Fifty friendly Indians from the Yankton agency were organized for scout service by the agent, Dr. W. A. Burleigh, and added to the expedition. More was really expected from this campaign than was realized. The Indians fled at the approach of Sully and Sibley, and then fell to rear, where, after the troops were at a safe distance, they recommenced their depredations. A few weeks before the active work of this expedition begun, Colonel Thompson completed the work of removing the Winnebagoes to their new reservation on the Missouri, near the mouth of Campbell's creek. They soon became dissatisfied and commenced building canoes to go to the Omaha agency. Several deserted, but were brought back. General Sully, upon ascertaining the situation, wrote to Washington, urging that they be permitted to go to the Omahas, with whom they were on good terms. Incidentally he mildly censured Colonel Thompson for locating them in a sandy region where nothing would grow. The Winnebagoes had taken no part in the Minnesota massacres, which fact was pointed out by General Sully, in his letter, and they were finally allowed to go on the reservation of their friends, the Omahas. During the summer of 1863, eighteen steamboats went up the Missouri, carrying a large number of passengers, and about five thousand tons of freight for the settlements in the newly discovered gold fields of Idaho. Two boats, the Shreveport and the Robert Campbell, passed up the river laden with goods for Indian agent, Samuel N. Latta. August 7, when these boats were about fifty miles below the mouth of the Yellowstone, they were stopped by the sudden appearance of several hundred Indians, chiefly Minneconjous, upon the bank. As the Indians appeared to be friendly, a yawl, with six men, and a supply of presents for the chiefs, was sent ashore. They were received with a cordial handshake, and the inevitable "How," and a moment later the work of shooting and stabbing began. Three white men were instantly killed, and two others seriously wounded. The sixth man by dexterous dodging managed to reach the water and swam to the boat. For a moment those on board were horror stricken at this turn of affairs. So sincere had the Indians seemed in their protestations of friendship, that, notwithstanding the numerous recorded instances of Indian cunning and treachery, the whites had been thoroughly deceived. On

board were three small cannons which were now turned upon the Indians and fire opened. Twenty or more were seen to fall at the first discharge, and the rest sought safety in flight.

In August, 1863, President Lincoln appointed Newton Edmunds governor of the territory, and he at once entered upon his duties. Newton Edmunds, the second territorial governor of Dakota, came to Yankton in 1861, as chief clerk in the surveyor general's office. At that time he was forty-two years of age. From the moment of his first introduction to Dakota, he took an active and absorbing interest in everything pertaining to the welfare of the young territory. His education had been mainly acquired in the common schools of Michigan, but what he lacked in schooling was more than made up by his ready power of discrimination, and his cool, unerring judgment. During the Indian troubles of 1862, in the improvised fort at Yankton, when men were not undressed for ten days at a time, these qualities showed to good advantage, and came to be appreciated. He received his appointment as governor of Dakota, and came into office at a time when both local and general conditions were unfavorable. The nation was in the midst of a Civil war that showed every indication of being a prolonged contest. All through the Northwest the Indians were either in open hostilities, or in a state of armed neutrality. Dakota had been scourged the summer before by parties of Indian guerrillas, and the people were thoroughly disheartened. But Governor Edmunds brought to the executive office that cool judgment already mentioned, a hopeful optimism and undaunted courage. In some respects he was a paradox. In his messages to the legislature in 1863-64, he criticised the campaigns of General Sully and Sibley for their ineffectiveness, and in February, 1865, went to Washington to persuade the president and the war department, to try pacific measures with the Indians. President Lincoln was so impressed with the suggestions of Governor Edmunds that he sent for Thaddeus Stevens, then chairman of the ways and means committee, and asked him to recommend an appropriation of twenty-five thousand dollars, for a peace commission to treat with the Indians of Dakota. The appropriation was made, and in the June following a commission, consisting of Governor Edmunds, General Curtis, Colonel Taylor, of Omaha, and Reverend Doctor Reed, was appointed. The work of this commission is described elsewhere in this history. Among the Indians Governor Edmunds acquired a great reputation as a "talker." It is related that on one occasion, when a council had been called and Governor Edmunds arose to open the discussion, one old chief

sprang to his feet, pointed to the governor, and then turning to the assembled chiefs, said: "Get out of here. If you listen to a word from that man's mouth, you are lost. Follow me!" Immediately all arose, and were going out, when the governor called to them to wait a moment. He then mildly reproached them for their lack of courtesy to a representative of the Great Father, and induced them to open the council again. But the old chief who had uttered the warning was right, for the governor succeeded in gaining his point, and those who listened to him were "lost," in the sense the old chief meant when he uttered the warning. In 1866 he was succeeded as governor by Andrew J. Faulk, of Pennsylvania, but he never lost interest in matters pertaining to the welfare of his adopted state. After retiring from the office of governor he engaged in the banking business at Yankton. Two of his sons became associated with him in this undertaking, a third graduating with honors from West Point, and entering the military service of the United States.

The third annual session of the legislature convened on the 7th of December. Governor Edmunds administered the oath of office to the members, and a speedy organization was effected in both houses. Enos Stutsman was again elected president of the council, and Joseph R. Hanson secretary. In the house A. W. Puett was chosen speaker, and Mahlon Gore, chief clerk. In his first message to the assembly, which was read to the two houses in joint session December 9, Governor Edmunds referred to the military expeditions of Sully and Sibley as ineffective, holding that the punishment of the Indians had not been sufficiently severe to put an end to the depredations that had been going on for the past eighteen months. He accounted, to some extent, for the failure of Sully as being due to low water in the Missouri. He recommended amendments to the militia law providing for complete reports from the officers, and an arsenal or armory in which to store military supplies; a memorial to congress for a line of military posts from the Minnesota state line to Crow creek; amendments to the election law to throw greater safeguards about the ballot, and the passage of an act creating the office of territorial superintendent of public instruction. The first legislature had passed an act establishing the district system, with county superintendents, but the governor foresaw that, with increasing immigration, confusion was likely to result from a lack of uniformity. In his message he referred also to the cost of the two preceding legislatures. An appropriation of twenty thousand dollars had been made for the expenses of each session. The first

had expended eighteen thousand eight hundred thirteen dollars and ninety-four cents and the second thirteen thousand two hundred seventy dollars and eighty cents, leaving a balance of seven thousand nine hundred fifteen dollars and thirty-six cents in the treasury. In comparing the cost of the two sessions the greater cost of the first was accounted for because it had to take everything from the rough.

Very little important legislation was enacted at this session. Buffalo county was established January 6, and attached to Charles Mix county for judicial purposes. On January 7, the county of Union was created, and the county seat located "on the point of the bluff in the southeast quarter, of the northeast quarter, of section 29, township 92, range 49 west." Lincoln, Minnehaha and Union were joined for election and judicial purposes by an act of January 15. Congress was memorialized for appropriations for a capitol building, a university and for bridges.

Early in the year 1864 a colony of sixty New York families settled along the Missouri valley, between the Big Sioux river and Bon Homme. The colony had been organized at Syracuse, N. Y., the summer before, the organizers being James S. Foster, Franklin Bronson, Charles Van Epps, G. C. Cole and R. E. Fairchild. Foster had been sent out in 1863 to select a location. He had visited Iowa, Nebraska, Kansas, Missouri and Dakota, and finally reported in favor of Dakota. Originally the colony consisted of a hundred families. When the time came for starting, a few backed out and remained in New York, some stopped on the way, so that only sixty families reached Dakota. A few of these left the following year, being discouraged by the drought and the grasshoppers during the summer of 1864. In the preparation of this work a complete list of the heads of these families could not be obtained. Several years after their arrival there were still living in the vicinity of Yankton: A. L. Hinman, James V. Williams, James V. and George V. Bunker, James Prentiss, Charles Van Epps, G. C. Moody, L. H. Elliott, C. W. and George I. Foster, S. C. Fargo, Grove Buell, Ellison and A. C. Brownson, L. W. Case, Eugene and Albert Alexander, Mrs. Newman and James S. Foster. Near Lincoln in Clay county Charles N. Taylor, Stephen Baker, James and Richard Selden, and Eugene Brownson were to be found; Darwin and Amos Philips were at Elk Point, and Myron and George Coykendall at Richland. Among these colonists were several who rose to greater or less prominence in the affairs of Dakota.

James S. Foster was the first territorial superintendent of public instruction, being appointed by Governor Edmunds in the fall of 1864. He was afterward commissioner of immigration.

Gideon C. Moody was appointed register in bankruptcy for the District of Dakota, in 1867. He was elected the same year to a seat in the house, in the seventh territorial legislature, and re-elected in 1868. In 1872 he was a candidate for delegate to congress, but owing to a factional fight in his party, that resulted in the nomination of two candidates, he was defeated by Moses K. Armstrong. He was a delegate to the Sioux Falls convention of 1883 and that of 1885, the latter of which framed a constitution for South Dakota, which, four years later, was adopted with very little modification. He was one of the first United States senators from South Dakota in 1889.

George I. Foster was chief clerk of the house during the legislatures of 1864 and 1865, and secretary of the council in 1867; Charles Van Epps became a prominent contractor at Yankton, being one of the firm that built the first public school house in the city, L. W. Case, another of the colony, being the other partner.

On February 24, 1864, the Chamber of Commerce of Milwaukee, Wis., memorialized congress, praying for a wagon road through Dakota to the mines of Idaho. The memorial set forth that from the west line of Minnesota the distance in a direct line was less than five hundred miles, while emigrants were compelled to go round by Utah for lack of a highway. Prompt action on the part of congress was asked to construct a road on the shortest route, and the memorial was signed by Thomas Whitney, president, and James Kellogg, secretary. Thus from afar came an influence to assist the people of Dakota to secure some of the advantages of civilization for which they had been praying.

Early in the spring the Indians again became warlike. As an ultimatum they demanded pay for all buffalo killed during the preceding year; indemnification for damages done by Sully and Sibley; no roads through their country, and no travel over their roads. If these demands were not acceded to there would be a vigorous prosecution of the war, and every officer captured should be made to eat the men captured with him. This attitude called for prompt and energetic action on the part of the whites. Another expedition into the Indian country, on a more elaborate plan than that of 1863, was undertaken by General Sully, in which he was again assisted by Minnesota troops. So far as results were concerned, however, this campaign was not more

productive of good than that of the previous year. The Indians were punished, but they were not subdued.

October 11, was election day. Two candidates, Dr. W. A. Burleigh and Capt. J. B. S. Todd, had been nominated on substantially the same platform. The contest was, therefore, as much a choice of men as it was a matter of measures. Of the 606 votes cast Doctor Burleigh received 386 and Captain Todd, 220. Again Captain Todd contested the election, but this time congress decided in favor of his opponent.

On the 5th of December, 1864, the fourth legislature convened. Enos Stutsman was again elected president of the council, and G. N. Propper, secretary. W. W. Brookings was elected speaker of the house, and George I. Foster, chief clerk. In his message, Governor Edmunds, in again referring to the Sully campaigns of that year, and the year before, said:

"These expeditions have been immensely expensive to the Government, and ought, in my opinion, to have brought about more decided results. I am not prepared to say why they were failures; I leave this subject to the War Department, where it properly belongs."

James S. Foster, as superintendent of public instruction, made a report to this legislature, showing that there were no public schools in the territory. The secretary's report showed the total territorial indebtedness to be one thousand one hundred thirty-six dollars and sixty-seven cents. Some dissatisfaction arose in Union county as a result of the act locating the county seat, passed by the legislature of 1863. An act providing for the location of the county seat by popular vote was passed January 9, 1865, and a special election was called for that purpose on the second Monday of April. Thus a precedent that was afterward followed in a number of county seat disputes was established, some of the most aggravated contests being finally settled by a popular election.

The year 1865 dawned with brighter prospects. There seemed to be a general feeling that the Civil war, which for four years had hung like a pall over the country, was about to end. Ara Bartlett was appointed chief justice and Jefferson P. Kidder and W. E. Gleeson associate justices of the supreme court and Laban H. Litchfield, marshal; S. L. Spink was appointed secretary of the territory and G. D. Hill was reappointed surveyor general; Joel A. Potter was appointed Indian agent for the Poncas, James M. Stone for the Santees and Joseph R. Hanson at Fort Thompson. Congress had made liberal appropriations for

the construction of roads in the Northwest. Col. James A. Sawyer was appointed superintendent to build a road, from Niobrara to Virginia City, for which fifty thousand dollars had been appropriated. W. W. Brookings, with thirty thousand dollars, was to construct a road from the Minnesota state line, straight across Dakota to the Cheyenne, where it was to intersect with the Sawyer route. Another road from Sioux City up the Missouri valley to the Big Cheyenne, was provided for by an appropriation of twenty-five thousand dollars, and its construction was placed in the hands of Col. Gideon C. Moody. These appropriations by congress, and the appointment of Dakota men to carry out the provisions of the act, naturally gave rise to the hope that immigration would be increased, and the territory be materially benefited.

In February Governor Edmunds went to Washington. The two Indian campaigns, of 1863 and 1864, had cost the government about eight million dollars, and very little good had been accomplished. Four years in Dakota, during which time he had been thrown into frequent contact with the Indians, had taught Governor Edmunds to understand the Indian character. He believed now that more good could be effected, by treating with the Indians than by fighting them, and at much less expense. As previously stated he went directly to the president and presented his views. An appropriation of twenty-five thousand dollars was made, and the commission appointed in June met at Fort Randall in July to begin their labors. On this commission were Governor Edmunds, General Curtis, Dr. H. W. Reed and Colonel Taylor of Omaha. Above Fort Randall all the Indians were hostile. An order had been given to the various military posts along the Missouri, to furnish the commission with protection whenever the members deemed necessary. With the true military instinct, General Curtis insisted upon a guard going with them from Fort Randall, and remain with them all the time they were in the hostile country. Governor Edmunds insisted that the presence of troops on board their boat would have a tendency to incense the Indians and make the work of the commission all the more difficult, if it did not render it altogether futile. He argued that their mission was one of peace; that the Indians would treat with them more readily if everything of a warlike nature should be left behind, and they entered the Indian country barehanded and sued for peace. His argument finally won the day, and the little steamer "Calipso" went on up the river, with none on board save the officers and crew of the boat, the members of the commission

and Charles F. Picotte, interpreter. As a matter of fact Governor Edmunds relied upon the assistance of Mr. Picotte, in negotiating treaties with the tribes they were going to visit, as he did upon that of the other members of the commission.

Charles F. Picotte was the son of Honore Picotte, a member of the American Fur Company, but his mother was a full blooded Yankton Sioux. When he was about eight years old, Father DeSmet who was engaged in missionary work among the Indians of the Missouri valley, took him to St. Louis and placed him in school. He remained in St. Louis until he reached his majority, when he returned to his mother's people. Here he exerted all his influence to bring about peaceful relations between his mother's tribe and the white people. He went with Captain Todd and sixteen of the head men of the Yankton tribe, including himself, to Washington in the winter of 1867, and it was largely due to his intelligent and well directed efforts that the treaty of April, 1858, was consummated. When, in 1860, the Indians became dissatisfied with their agent, Major Redfield, and threatened the extermination of all the whites at the agency, they were prevented from carrying out their threat by the counsel of Mr. Picotte. Soon after this he went to live near Yankton upon the six hundred and forty acres he had reserved to himself in the treaty of 1858, though his services as interpreter and peacemaker were often afterward called into requisition.

Runners were sent out, here and there, as they proceeded up the river, asking the Indians to come in and treat with them. In a majority of these cases the Indians signified their willingness to accept the overtures of peace, declaring they had had war enough, and some treaties were made. A little distance above Fort Berthold, word reached them that a large body of Black Feet Sioux were in the neighborhood. Taking Mr. Picotte as his only companion Governor Edmunds set out on foot to find the camp. They had gone about three miles from the boat, when they met a Yankton Indian who told them where they could find the Blackfeet, and also gave them the information that the band numbered about twenty-five hundred. Governor Edmunds sent a message by this Yankton to the Blackfeet, telling them that the Great Father had sent three or four white men to make peace with them; that if they, the Blackfeet, wanted peace they must come to the boat, which was waiting for them at a certain place.

That same afternoon about two thousand Indians came to the boat. As they came aboard the captain of the boat, seeing the

Indians were all armed, became frightened and exclaimed: "We shall all be killed as certain as the world!" Governor Edmunds answered quietly, "O, I guess not," and then turning to the Indians, said: "My friends, I met one of your number out on the prairie, and sent word to you, by him, that the Great Father had sent out three or four men to see you, and to treat with you for peace. Did you get that message?" After a short pause one of the chiefs grunted out a reply in the affirmative, and the governor continued: "Now, when the Great Father sends the white brother to make peace with the red brother, he sends him unarmed, but when he sends us to war with you, he sends soldiers to fight with you." Here the governor paused again to note the effect of the hint he had thrown out. Some of the head chiefs held a whispered consultation, that lasted for a few minutes, when they all began to quietly leave the boat. Some expected an immediate attack, but the Indians only went ashore and quietly laid down their arms, when they returned to the boat, ready to hold a council. After this unprecedented behavior on the part of the Indians, the governor asked:

"Now, my friends, when you got that message from me, why did you come here armed?" One of the chiefs answered: "White man has lied to us." Governor Edmunds was too well acquainted with the Indian, and too much of a diplomat to enter into an argument on this proposition. He was not there to defend the white man's faults and mistakes, he was there to make peace. After a skillful presentation of the advantages to be gained by a treaty of peace, he brought out the stores, and began a distribution of presents. Blankets were given to the chiefs, calico was presented to the squaws, and an abundance of food was distributed to all. In a little while a treaty was concluded, and the commission set out on the return trip down the river. This incident is mentioned here to show the policy of Governor Edmunds in dealing with the Indians. It might have been better had that policy been more widely adopted by the government in its Indian affairs.

Treaties were made by this commission with the Yanktonians, Brules, Two Kettles, Minneconjous, Sans Arcs, Ogallalas and Blackfeet. Most of these treaties were kept until the Indians were again driven into hostilities by new causes. Thus, at an expense of twenty-five thousand dollars, more was done toward securing peaceful relations between the whites and Indians, than two military campaigns costing millions of dollars.

During the spring and summer of 1865 several sessions of

land in Dakota, were made to the government by various tribes. On March 8, the Winnebago reservation, located by Col. C. W. Thompson, in 1863, a short distance below Fort Pierre, was ceded to the United States, and the Winnebagoes were given a home with the Omahas in Nebraska. This cession was afterward included in the great Sioux reservation, by the treaty of April 29, 1868. Two days later a treaty by which a small tract on the north side of the Keya Paha was ceded to the government, was made with the Poncas and soon after opened to settlement.

At Fort Sully, October 14, a treaty in which they relinquished their claims to a tract on the west side of the Missouri river, beginning at the mouth of White river and extending about twenty miles north, was made with the Ogallalas, Two Kettles and Lower Brule Sioux. This cession lay opposite Chamberlain and included Fort Lookout. It was also made a part of the great Sioux reservation by the Fort Laramie treaty of 1868.

In June General Sully led his third expedition against the Indians in the upper Missouri country. Aside from this military demonstration, and an occasional Indian outrage, peace prevailed. Bountiful harvests this year rewarded the labors of the pioneers, and Dakota wore an air of peace and prosperity. The summer of 1865 witnessed the last of the Indian outrages in Southeastern Dakota. Three men named Watson, Fletcher and LaMoure, assisted by Mrs. Fletcher, were putting up hay near Richland, in Union county, when they were attacked by Indians. LaMoure, who was driving the mower, was instantly killed. Watson was shot several times with arrows, one of which entered his back, just below the shoulder blade, and passed entirely through his body. He recovered however and lived several years to tell the story. Fletcher escaped unhurt. Mrs. Fletcher, who was loading the hay on the wagon, made a valiant effort to prevent the savages from taking the horses. Every time they would begin to unharness the team she would strike at them with the pitchfork. Several of the Indians received ugly wounds in the face and neck at the hands of the heroic woman. Then a few arrows were fired at her, and, realizing that her life was threatened, she fell upon the hay where she remained unmolested.

The Indians took all the horses on the farm, and went up the Big Sioux toward Sioux Falls. A posse was organized and started in pursuit, but the Indians were not overtaken. Just before this happened Captain Miner's company had been mus-

tered out of the United States service, disbanded, and the men had returned to their homes again to take up the lives of civilians.

Other outrages committed in this predatory warfare were the burning of stations of the overland mail route; isolated bands of emigrants were cut off and murdered; and some minor depredations, as the stealing of horses and cattle. These were some of the drawbacks to the Territory of Dakota, in a season that otherwise was full of promise. Added to this was the lack of population. Owing to the absence of gold in paying quantities, immigrants came in but in small numbers, the territories farther west promising greater returns with less effort.

During the summer the government largely increased the forces west of the Missouri, many of the soldiers being men who had served in the Confederate army. This display of armed force had its effect upon the Indians, who either retired to their winter camps, or sued for peace.

Beginning July 6, the first session of the territorial supreme court was held at Yankton, with Chief Justice Ara Bartlett, presiding, Jefferson P. Kidder and William E. Gleeson, associate judges, and Moses K. Armstrong, clerk.

As winter approached the question of schools began to receive some attention. Several new families had come to the territory during the year, and it was realized that the increase in the number of children demanded some action looking toward their education. A school-house which some maintain was the first in Dakota had been built at Vermillion the winter before (1864-65). On this point authorities are divided. Doane Robertson says the first school-house was built as early as 1860, at Bon Homme, by John H. Shober, and that Miss Emma Bradford was employed as teacher. Others assert that the first school was in Union county, near Elk Point, but do not say whether a school-house was built there.

However this may be, the first school-house in Yankton was built in the winter of 1865-66. It originated with the women, who, seeing the need of some place where the children could acquire at least the rudiments of an education, organized themselves into the "Ladies Educational Aid Society." The officers of this society were: Mrs. Newton Edmunds, president; Mrs. A. G. Fuller and Mrs. G. W. Kingsbury, vice presidents; Mrs. J. S. Foster, secretary; Mrs. B. M. Smith, treasurer; Mrs. J. D. Vanderhule, inspectress, and Mesdames M. U. Hoyt, J. V. Bunker, L. H. Elliott and Anna Mathieson, directresses. A com-

mittee on entertainment was appointed, consisting of Mesdames G. P. Waldron, W. Elliott, H. C. Ash, M. M. Mathieson and S. Morrow. Thus organized the ladies went forth to conquer. The first meeting after the organization was held November 23, 1865. At this meeting receipts amounting to nine dollars and eighty-five cents were reported. Of this seven dollars and twenty-five cents was received from membership fees, the members, in addition to the officers and committees already named, being Mesdames S. C. Fargo, Frank Bronson, Ara Bartlett, L. M. Griffith, Warner Elliot, ——— Young, ——— Grant, and Misses Ada Cooley, V. Vanderhule, Lizzie and Callie Hoyt, Nettie Bronson and Lulu Waldron. The other two dollars and sixty cents was reported as being the proceeds resulting from the sale of five bed ticks at forty cents each, two aprons at twenty-five cents each, and one pillow case ten cents.

This sum of nine dollars and eighty-five cents was the nucleus of the fund that built Yankton's first school-house. On the evening of November 27, the society gave a "Thanksgiving festival," which netted two hundred twenty-two dollars and twenty-five cents, and a Christmas entertainment brought in one hundred eight dollars and seventy cents more. An oyster supper on April 5, added nearly a hundred dollars more to the treasury, and S. C. Fargo donated twenty-five dollars. April 26, 1866, the society held its last meeting, at which all outstanding indebtedness was provided for, and four hundred eighty-two dollars and forty-five cents was turned over to William Miner, treasurer of a building committee composed of Gov. Newton Edmunds, D. T. Bramble, A. G. Fuller, F. J. DeWitt, Jas. S. Foster and William Miner. The west side of Walnut street, between Third and Fourth streets, the location of the new post office, was selected as a site, and the contract was let to Van Epps and Case for eleven hundred dollars. The plan contemplated a building thirty by seventy feet, which could be used for a town hall, as well as for a school room. It was begun August 22, 1866, and on Christmas eve was dedicated by a grand ball.

On December 4, 1865, the fifth annual session of the legislature met at Yankton. George Stickney was elected president of the council, and Maj. Joseph R. Hanson, secretary. In the house G. B. Bigelow was elected speaker, and George I. Foster was again chosen chief clerk. As soon as the two houses were organized, they met in joint session to hear the message of the governor. In his message Governor Edmunds spoke feelingly of the assassination of President Lincoln, which had occurred in the

preceding April, and recommended legislation to foster immigration, establish better schools, and, as coal had been discovered by one of the Sully expeditions, encourage mining within the limits of the Territory. He also recommended memorials to congress asking for more wagon roads, and for an appropriation for a capitol building.

Up to this time ferries, town sites and new counties had each been made the subject of a special act of the legislature. At this session, acting upon a suggestion from the governor, the legislature enacted general laws to cover such cases. Toward the close of the session they passed an act creating a board of education, and Rev. M. Hoyt, William Shriner and N. J. Wallace were appointed the first board, with power to appoint a superintendent of public instruction, recommend amendments to the school laws, and select text books for use in the schools. Aside from the acts mentioned, little was done by this session of the legislature.

Much snow accompanied by severe weather fell during the winter of 1865-66. As the snow melted off in the spring, the Missouri overflowed its banks, causing considerable damage. The three years' war with the Indians was declared at an end, and, upon the suggestion of Generals Conner and Sully, a commission was sent up the Missouri river to form treaties with the late hostile tribes. The work of the commission of the previous year had been so satisfactory that Governor Edmunds, Dr. H. W. Reed and General Curtis were re-appointed on the commission of 1866. A Mr. Guernsey was added to the commission, a son of Reverend Doctor Reed was taken along as secretary, and Moses K. Armstrong was made assistant secretary. They left Yankton in May, on the steamer "Ben Johnson," went up the Missouri to a hundred miles above Fort Union, and returned in August. On the trip they made treaties with the Arickarees, Gros Ventres, Mandans, Assiniboines, Crows and Unkpapa Sioux, and distributed one hundred twenty-two thousand dollars worth of goods among the tribes named.

During the summer of 1866, the surveys, showing the standard parallels, township, range and section lines, were extended westward into the Sioux reservation near Fort Randall. Although some of the treaties made with wandering tribes of Indians were not kept, the extension of these surveys opened new lands for settlement, the people apparently forgot the recent Indian outrages, and Dakota took on every appearance of prosperity.

President Johnson appointed Andrew J. Faulk, of Pennsylvania, to succeed Governor Edmunds, and the new governor

reached Yankton in August. Andrew J. Faulk, the third territorial governor of Dakota, was born at Milford, Pike county, Penn., in 1814. His early education was acquired in the "common pay schools" and in the Kittanning Academy. Upon leaving school he learned the printer's trade and from 1837 to 1843 edited and published the *Armstrong Democrat*. While conducting this paper, he read law, afterward entering the office of Gallagher and Buffington, at Kittanning, where he completed his legal education and was admitted to practice. He took an active part in the politics of his native state. The abolition of the law for imprisonment of debtors, which was abolished by the constitution of 1838, was due largely to his efforts. In 1849 the Democratic convention in Pennsylvania declared in opposition to the extension of slavery. Two years later this position was repudiated, which led to a split in the party; Faulk became a follower of Fremont and Lincoln and helped to found the Republican party in 1856. In 1861 he was appointed post trader to the Yankton Indian agency, in Dakota, by President Lincoln. At that time the post was the principal depot of supplies for all the Indian agencies of the Upper Missouri country. The position of trader at this post was an important and dangerous one. The agency was almost continually surrounded by a horde of Indians who professed friendship, but who only wanted an opportunity to loot the stores at the agency. After serving three years in this position, Mr. Faulk returned to Pennsylvania and engaged in business at Oil City. At this time excitement ran high over the wells of petroleum in Western Pennsylvania. Governor Faulk caught the fever and became one of the organizers of the Paxton Oil Company, of Pittsburg. He was also one of the organizers and superintendent of the Latonia company. When he was appointed governor of Dakota by President Johnson, he was also made superintendent of Indian affairs for the Territory. His experience as post trader now proved of great value to him in the discharge of the duties of this position. In 1867 he visited Washington with a number of chiefs and head men of the Sioux tribes, and presented them to the president and departments. With General Sherman and others, he was an honorary member of the peace commission that concluded the Fort Laramie treaty, in 1868, locating all the Sioux tribes west of the Missouri river. While governor, he influenced the legislature of Dakota to memorialize congress in favor of acquiring the Black Hills country and opening it to white settlers. In 1869 he was succeeded by Governor Burbank. After retiring from the office of governor, he

served as a member of the board of aldermen and mayor of Yankton, clerk of the United States courts, United States court commissioner, and for a number of years was president of the Dakota Bar Association.

With the incoming of Governor Faulk's administration, several changes were made in the subordinate offices of the Territory. George H. Hand was appointed United States district attorney for Dakota; William Tripp was appointed surveyor general in place of Gen. George D. Hill who resigned; William Shriner, of Clay county, was made collector of United States internal revenue for the district of Dakota; Edward C. Collins, of Union county, was appointed assessor, and A. L. Edwards, of Yankton, was appointed assistant assessor. This was the first year that internal revenue taxes were collected in the Territory of Dakota.

In the election this year, for delegate to congress, 846 votes were polled, an increase of nearly forty per cent over the vote of 1864. Dr. Walter A. Burleigh was nominated for re-election, on what was called a "Johnson" platform, and W. W. Brookings was nominated on a "straight Republican" platform to oppose him. There ensued a spirited campaign which resulted in the re-election of Doctor Burleigh, by a vote of 592 to 254. In the legislature this year Moses K. Armstrong was elected president of the council, and B. M. Smith, secretary. Capt J. B. S. Todd was chosen speaker of the house and F. Wixson, chief clerk. Governor Faulk in his message recommended a memorial to congress favoring a new Indian reservation north of the Big Cheyenne river and on the plains east of the Rocky mountains, and the opening of the Black Hills to white people. This was the beginning of an agitation that culminated ten years later in the government's acquiring title to the Hills, and in turning a strong tide of emigration to Dakota.

The report of the superintendent of public instruction showed that there were 1,550 children of school age enumerated in the Territory, of which number 421 attended the public schools and 160 attended private schools. Schools had been opened in Clay, Union, Yankton and Bon Homme counties. While the legislature was in session there came the news of the horrible butchery of Lieutenant Colonel Fetterman and ninety-two soldiers by Red Cloud's band, at Fort Phil Kearney in the western part of the Territory. News of this outrage led to a memorial to congress praying for the establishment of military posts on the frontier, and for the passage of a bill to establish and maintain a territorial militia. Congress had given a thousand stand of arms to the

Territory and Governor Faulk, in his message, recommended that the legislature provide a suitable building for their storage and preservation.

By an act of January 9, 1867, all that part of the Territory lying west of the 104th meridian was made to constitute the county of Laramie. William L. Kuykendall, Philip Mandell and William L. Hopkins were appointed county commissioners; Robert Foot, sheriff; George Wilson, Jr., judge of probate; James C. Lehmer, register of deeds; Robert Tate, justice of the peace; Frank Ernest, constable, and B. J. Walters coroner. Fort Sanders was made the county seat.

On the same day the legislature passed an act attaching all the lands ceded by the Red Lake and Pembina bands of Chippewas to Pembina county, and making Pembina the county seat, unless changed by popular vote on the second Tuesday of October following. By this act the governor was empowered to appoint the officers for the county thus constituted. Acts incorporating the Dakota and Northwestern and the Minnesota and Missouri railroads were passed.

At the beginning of the year 1867, it was estimated that the population of the Territory had almost, if not quite, doubled during the preceding year. The prospects of an early removal of the Indians to reservations west of the Missouri, and the building of the Northern Pacific railroad, gave a great impetus to immigration, and already some were talking of the time when Dakota would be admitted as a state. In behalf of the effort to consolidate the various Sioux tribes west of the Missouri, Governor Faulk, in company with Indian Agents P. H. Conger, of the Yanktons, J. M. Stone, of the Santees, and Maj. Joseph R. Hanson, of the Two Kettles, visited Washington in February, 1867. With them they took fifteen of the chiefs and leading men of each tribe for consultation with the government officials. The party left Yankton February 8, and remained several weeks in the National Capital. One of the chiefs was found one morning hanging to a lamp post, which was the only incident to mar the pleasure of the visit. All the other chiefs returned to their tribes highly pleased with their visit to the Great Father's village, and for a year sowed the seeds of amity that yielded fruit in the treaty of Fort Laramie the next year.

In February the boundaries of the reservation of the Sisseton and Wahpeton bands were established. This reservation was bounded on the south and east by the treaty line of 1851, and the Red river of the north to the mouth of Goose river; on the north

by the Goose river to the north point of Devil's lake; from the north point of Devil's lake southwest to the James river; down the James river to the mouth of the Moccasin river, and from the mouth of Moccasin in a direct line to Kampeska lake. Reservations at Lake Traverse and Devil's lake were established, and the title to all included within these boundaries remained in the Indians, though the government was given the right to run roads through the tract.

By an executive order on the 20th of March, a reservation was established between the Big Sioux and James rivers, for the Santee Sioux. The southern boundary of this reservation was a due east and west line, a short distance north of Madison, extending from the Big Sioux to the James river; the northern boundary was just north of Watertown, and was almost identical with the fourth standard parallel. This reservation was never occupied by the Santees, and two years later the order establishing it was revoked, and the land was thrown open for settlement.

Governor Faulk was re-appointed in March; George Stickney, ex-president of the council, was appointed receiver of the United States land office at Vermillion; John W. Boyle was appointed associate justice of the supreme court for the third district in place of W. E. Gleason, resigned; Col. G. C. Moody was chosen register in bankruptcy for the district of Dakota, and D. M. Mills, of Elk Point, became assessor of internal revenue.

By an act of congress, approved July 20, 1867, the president was authorized to send another peace commission into the Upper Missouri country. President Johnson appointed on this commission Gen. W. T. Sherman, Gen. W. S. Harney, Gen. John B. Sanborn, Gen. A. H. Terry, Col. N. G. Taylor, who was commissioner of Indian affairs, Mr. Henderson, chairman of the senate committee on Indian affairs, and Colonel Tappan of Colorado. The commission met at St. Louis, August 6, and organized by the election of Col. N. G. Taylor, president, and A. S. H. White, an old attache of the interior department, secretary. As they went up the river they were joined by Governor Faulk, who remained with the commission until its labors for that season were ended.

The main object of the commission was to induce all the tribes east of the Missouri, to accept reservations west of that stream, and remove to them. While nothing definite was accomplished this year, the way was opened for the treaty of Fort Laramie the succeeding April, by which the great Sioux reservation was established.

A movement to open up a route to the gold mines of Montana by way of the Black Hills was commenced this year. An expedition under the leadership of Byron M. Smith was organized in Southeastern Dakota. Circulars were sent out, and a number of people came from the east to Yankton to join the enterprise. The government was asked to furnish an escort of cavalry, but the request was refused, and the expedition was positively forbidden to enter the Indian country. The undertaking was therefore abandoned.

During the summer Governor Faulk received from the war department equipments for ten companies of cavalry. Men enough to make up the quota were soon enlisted, and the governor appointed the following staff: James L. Kelley, adjutant general; D. M. Mills, quartermaster, with the rank of brigadier general; John L. Jolley, paymaster, and John Lawrence, *aid de camp*, each with the rank of colonel. Companies were soon organized and the equipments were distributed, but the men were never called upon for active service.

In June, an attack was made upon Fort Randall. One man was killed, and thirty-seven horses were taken by the Indians. At the Yankton agency, on the opposite side of the Missouri from the fort, the agent, P. H. Conger, placed all the white men about the agency under arms in expectation of an assault; but the outbreak ended with the theft of the horses, and the agency was not molested. On August 7, Major Powell, with a detachment of troops, was guarding a wood train at Fort Phil Kearney, when he was attacked by about eight hundred Indians, and, after a spirited engagement of three hours, the Indians were repulsed with heavy loss. In the early part of November Lieutenant Shirley, with forty men, was attacked about twenty miles above Fort Phil Kearney by some of Red Cloud's band. Shirley was shot in the foot, and the Indians succeeded in capturing six wagons and about twenty thousand dollars worth of goods. About the same time, fourteen warriors belonging to Big Bear's gang came within two miles of Fort Laramie and ran off seventy-five horses and mules that were grazing under the care of some herdsmen. Captain Wells with a company of cavalry pursued them, but they succeeded in making their escape. These were the only exhibitions of hostility of consequence in the Territory, during the year.

A teachers' institute, the first in Dakota, was held this summer at Elk Point. About twenty teachers were enrolled, and addresses were made by S. L. Spink and W. W. Brookings, of

Yankton, Hon. E. C. Collins and Rev. T. McK. Stewart, of Elk Point, and James S. Foster, superintendent of public instruction.

Contests over the Yankton town site had cast a doubt on the validity of titles to real estate in that city. In the summer of 1867 James E. Witherspoon received a patent to 127.45 acres of land in the west part of the town of Yankton. He compromised with the occupants of the land, which proceeding settled the question of titles in that part of the capital.

The seventh session of the territorial legislature met December 2. H. J. Austin was chosen president of the council, and George I. Foster, secretary. Enos Stutsman, who had been president of the council in several of the earlier legislatures, was elected speaker of the house, and P. Halnan, chief clerk. Owing to the increase in population, several new counties were created at this session. Carter county was created from that part of Laramie county lying west of one hundred and seven degrees twenty minutes. James H. Lowery, William Misshany and William Rose were appointed county commissioners; Hancy B. Hubble, judge of probate; John Murphy, sheriff; A. G. Turner, register of deeds; Frederick Staples and Francis D. McGovern, justices of the peace, and Nathaniel McDaniels, coroner.

This necessitated new officers for Laramie county, and Benjamin Ellinger, Roger T. Beal and Patrick McDonald were appointed commissioners; J. L. Laird, sheriff; William L. Kuykendall, judge of probate; William Morris, register of deeds; F. W. Johnson, coroner; J. H. Gildersleeve, county superintendent of schools; S. H. Winson, surveyor, and E. P. Johnson, district attorney.

On December 30, the governor approved an act organizing the county of Lincoln, which had been created by the act of April 5, 1862. The counties of Bon Homme, Clay, Union and Yankton, had been organized in 1862, the same year they had been created. Lincoln county, then, was the fifth organized county in the Territory. Officers were appointed, as follows: County commissioners, Augustus J. Linderman, H. P. Hyde and Benjamin Hill; sheriff, C. H. Smith; judge of probate, J. Q. Fitzgerald; register of deeds, William Hill; justices of the peace, W. Hyde and W. S. Smith; constable, James Weekly; coroner, Joseph Weekly. For judicial and legislative purposes the county was attached to the county of Union, and the county seat was located at Canton, where it still remains.

On January 4, the county of Minnehaha was organized. John

Nelson, John Thompson and William Melville were appointed commissioners, and Edward Broughton register of deeds. The commissioners were given power to fill the other offices by appointments.

Probably the most important event of the year 1868, so far as the people of Dakota were concerned, was the treaty of Fort Laramie, April 19, by which the great Sioux reservation was located west of the Missouri river. In his order of August 18, for the removal of the various Indian tribes to their reservations, General Sherman has this to say of the Sioux reservation:

"The following district of country is set aside for the exclusive use of the Sioux nation of Indians, viz.: Bounded on the east by the Missouri River, south by the State of Nebraska, west by the one hundred and fourth meridian of longitude west from Greenwich, and north by the forty-sixth parallel of latitude, and will constitute a military district under the command of Brevet Major-General W. S. Harney, United States Army, who will have the supervision and control of the Sioux, and of all issues and disbursements to them, subject only to the authority of the Lieutenant-General commanding; but in matters affecting the United States troops stationed in said district, he will be subject to the department commander, Brevet Major-General A. H. Terry."

By the treaty the Indians gave up all right to occupy lands outside this reservation, except that they were given permission to hunt north of the North Platte and the Republican fork of Smoky Hill river, as long as buffaloes were to be found there. This treaty virtually settled the Indian question in all that part of Dakota lying east of the Missouri. Scarcely had it been signed, when the Black Hills fever broke out again in eastern Dakota, and a protest against including the Hills in the great reservation was made. But the protest came too late; the treaty had already been concluded.

Capt. P. B. Davy, of Minnesota, offered his services for the purpose of organizing a company to explore the Black Hills. It was generally believed that coal and iron were to be found there, and these minerals were more desired by the people of Dakota than gold. Timber was known to be plentiful in the valleys of that region, and lumber is an essential article in the development of a new country. Hand bills were again posted, circulars sent out, meetings held, and general interest was aroused in the venture, when the government again interposed.

Facilities for traveling were materially increased this season.

The Northwestern Transportation Company began running boats regularly from Sioux City to Fort Benton. A stage route was opened from Sioux City to Yankton, thus giving the capital a daily mail. A wagon road from Sioux City to Fort Randall had been practically completed the previous year. John Lawrence was appointed superintendent to finish it, and to construct the necessary bridges along the route.

By an act of congress, approved July 25, 1865, the two western counties of Dakota—Laramie and Carter—were cut off and erected into the Territory of Wyoming.

During the session of 1867, the legislature of Dakota had recommended this action, because the gold mines in that section of the Territory had attracted a lawless, turbulent element, that, being so far from the seat of government and the established courts, could not well be controlled. Before the Territory of Wyoming was separated from Dakota, the election of 1868 was held. Five candidates presented themselves for congressional honors. S. L. Spink was nominated as the straight Republican, and Capt. J. B. S. Todd, as the straight Democratic candidate. Influenced chiefly by local considerations, J. W. Toohey, Dr. W. A. Burleigh and J. P. Kidder ran as independents. The vote this year showed a marked increase in the population, 4,679 votes being cast. Of these S. L. Spink received 1,424, Captain Todd, 1,089, Mr. Toohey, 878, Doctor Burleigh, 698 and Judge Kidder, 591. A full legislative ticket was also elected. The legislature met December 7, and was organized by the election of W. W. Brookings president of the council, and A. F. Shaw secretary; Eno Stutsman was elected speaker of the house.

Albany county, in the western part of the Territory, was created by an act approved December 16, and the following county officers were appointed: Commissioners, J. W. Collins, Frederick Laycock and T. J. Ruth; sheriff, Thomas D. Sears; judge of probate, M. C. Page; register of deeds, A. W. McClearn; justices of the peace, N. T. Webber, J. C. Walters, B. E. Green and H. C. Hall; constables, S. Osborn and Samuel Douglas; coroner, J. H. Finfrock; county superintendent of schools, George W. Lancaster; surveyor, H. H. Richards; district attorney, E. L. Kerr. Laramie City was made the county seat, and the county was attached to Carbon county for judicial purposes. On the same date Carbon county was created. John C. Dyer, G. Frazer and S. M. Burr were appointed county commissioners; John Gurnell, sheriff; Francis B. Edwards, probate judge; L. P. Corey, district

attorney; George Ward and M. E. Metcalf, constables. Rawling's Springs was designated as the county seat. Both of these counties now are in Wyoming.

A resolution asking the president to appoint residents of the Territory to the territorial offices was adopted at this session, and complements of residents were recommended for such appointments. As the 4th of March, 1869, approached, quite a number of the leading politicians of Dakota went to Washington to urge upon the new president the importance of appointing those recommended by the legislature. But there were too many office seekers from other states to be taken care of, and only six residents of the Territory were appointed. Soon after his inauguration of President Grant named the following officers for the Territory: Governor, John A. Burbank, of Indiana; secretary, Turney M. Wilkins; chief justice, George W. French; associate justices, Jefferson P. Kidder and Wilmot W. Brookings; marshal, Laban N. Litchfield; surveyor general, W. H. H. Beadle; assessor of internal revenue, J. Pope Hodnett; assistant, J. A. Pierce; collector of internal revenue, G. P. Bennett; register United States land office, B. F. Campbell; receiver, N. J. Wallace; postmasters, at Yankton, M. U. Hoyt; at Vermillion, L. N. Palmer; at Elk Point, C. M. Northup; Indian agents, Capt. William J. Broatch for the Yanktons and Maj. W. H. Hugo for the Poncas. In June of the same year Warren Cowles of Pennsylvania was appointed United States district attorney.

John A. Burbank, the fourth territorial governor of Dakota, was born at Centerville, Wayne county, Ind., in 1827. He was brought up to the mercantile business and became a successful merchant. At the close of the Civil war, he emigrated to Nebraska, where he became interested in the development of mining interests in the Northwest, and took a prominent part in the organization of Wyoming. At the time he was appointed governor of Dakota, he was an applicant for the governorship of Wyoming. Soon after coming to Yankton, he associated himself with Maj. Joseph R. Hanson, W. W. Brookings and George W. French, in the real estate business, under the firm name of J. R. Hanson & Co. The Picotte grant was part of the land placed on the market by this firm, which for several years did a lucrative business. During the factional fight in his party, in Yankton, in the campaigns of 1870-72, one of his partners, Mr. Brookings, happened to be a leader of one of the factions. Because of this fact, Governor Burbank was accused of favoring the Brookings clique. To all these accusations he paid no attention, and in 1874

a reconciliation between the factions was effected, mainly through his influence as mediator. In 1874 he was succeeded by Governor Pennington, and returned to Richmond, Ind., where he again engaged in mercantile pursuits.

The year 1869 marks the actual beginning of permanent growth and improvement in the city of Yankton. Owing to the dispute over titles, previously mentioned, the capital of Dakota had, for several years, been a straggling town, with a population of about 500. Few buildings of a substantial character had been erected, until the compromise of Mr. Witherspoon in 1867 brought about a better class of structures, and in two years the town had assumed more of a metropolitan appearance. In 1869 Capt. J. B. S. Todd followed the example of Mr. Witherspoon, and compromised with the citizens of Yankton occupying land for which he held a government patent. A phenomenal increase in the value of Yankton real estate followed, reaching in some instances, as high as three hundred per cent and the future of Yankton was assured. The greatest need of Southeastern Dakota was improved means of transportation. In 1869 the citizens made attempts to secure a railroad from Yankton, through Clay and Union counties, to Sioux City, Ia., but nothing definite was achieved. A large number of immigrants came to Dakota this year, most of them settling near Yankton, Vermillion or Sioux Falls. Among these immigrants was Richard F. Pettigrew, afterward United States senator from South Dakota.

The city of Yankton was incorporated by the legislature at the session of 1868-69, and the first city election at which Wm. N. Collamer was chosen mayor and there was chosen a board of six aldermen, was held in April, 1869.

On June 18, 1869, the military reservation at Sioux Falls was vacated, Fort Dakota being removed to Medary, about sixty miles farther north. The next year the reservation was opened to settlement, and another influx of immigrants was brought to Minnehaha county.

On October 12, an election for members of the territorial legislature was held. A full council and house were elected; but the legislature did not meet, because congress made no appropriation for defraying the expenses of the session. From this time forward the sessions of the legislature were held biennially.

The census of 1870 showed that Dakota had fourteen established counties, viz.: Bon Homme, Brookings, Buffalo, Charles Mix, Clay, Deuel, Hutchings, Jayne, Lincoln, Minnehaha, Pembina, Todd, Union and Yankton. The population of these four-

teen counties was 12,090, while the unorganized portion of the Territory contained a population of 2,091 more. In 1860 the population was 4,837, thus showing an increase of nearly three hundred per cent during the decade, the greater portion of which had been made during the last three years. An act authorizing the appointment of a commissioner of immigration was passed by the legislature of 1868-69, and the governor appointed James S. Foster, who had come to Dakota in 1864 with the New York colony, and who had served as the first superintendent of public instruction. Immediately upon receiving his appointment, Mr. Foster went to work gathering data regarding the resources of Dakota, and giving the results of his investigation to the public. Much of the immigration during the next few years can be traced directly to this source. On April 12, 1870, by an executive order, President Grant set apart from the public domain a reservation for the Arickaree, Gros Ventres and Mandan Indians. By this order the reservation was located south and west of the Missouri river, extending south as far as the headwaters of the Heart river, and westward into Montana. By accepting the reservation thus given them, the Indians gave up all title to the lands assigned to them by the treaty of 1851.

Ninety miles up the Red river of the north from Pembina is the city of Grand Forks, the county seat of Grand Forks county. As one walks along the streets of the bustling little city today, he can hardly realize that in 1870 the site was a howling wilderness. Yet the first shack was built upon the high banks of Red river this year by Capt. Alexander Griggs.

In the Republican convention of 1870, there occurred a rupture that resulted in the nomination of two candidates, Dr. W. A. Burleigh and S. L. Spink, for delegate to congress. The break grew out of local conditions in the city of Yankton. One faction was led by W. W. Brookings and was known as the "Capital Street gang." Col. Gideon C. Moody became the leader of the other side which was called the "Broadway gang." Practically the whole Territory took sides in the matter, and men living hundreds of miles from the capital were charged with being members of the Capital Street or Broadway gangs. Not only were two candidates nominated for delegate, but each faction put a full ticket for legislative and county officers in the field. Moses K. Armstrong was nominated for delegate by the Democrats, and, owing to the fight in the Republican party, which grew more bitter as election day approached, was elected by a small plurality. Of the

3,302 votes cast, Armstrong received 1,198, Burleigh 1,102, and Spink 1,002.

On December 5, the first biennial session of the legislature was convened. It was at this session of the legislature that the first significant expression regarding a division of the Territory was made. From Yankton to Pembina was three hundred fifty miles, as the crow flies. As population increased, it was seen that the government of the commonwealth would become more expensive, because of the vast expanse of country over which it must be administered. Wyoming had been cut off two years before for this very reason. On January 12, 1871, the governor approved a memorial to congress praying for a division of the Territory on the forty-sixth degree of latitude.

The growth of population in some of the unorganized portions of the Territory, made it necessary for this session of the legislature to provide some general method for the organization of counties. Accordingly, on January 11, 1871, the legislature approved a bill providing that whenever fifty or more of the inhabitants of any unorganized county should petition the governor for a county organization, the governor should appoint three commissioners, who were to appoint the other county officers—both the commissioners and officers appointed by them to hold until the next general election. Under this act several counties were organized during the three years following its passage.

Two days after the approval of this act, the governor added his signature to another defining the boundaries of Union, Clay, Bon Homme, Charles Mix, Buffalo, Hutchinson, Turner, Lincoln, Minnehaha, Brookings, Deuel, Pembina and Hanson counties.

By the provisions of this act, Turner and Hanson counties were created, the boundaries of the adjacent counties being adjusted to accommodate them. On the same date Brookings, Buffalo, Hanson, Hutchinson and Turner counties were all organized, and county officers were appointed, as follows: For Brookings county, Martin Trygstad, L. M. Hewlet, Elias Thompson were appointed with full power to fill the other offices, except that of register of deeds, which was filled by the appointment of William H. Packard. In Hutchinson county Charles H. Greno was appointed register of deeds, and T. J. Maxwell, John Bray and Henry Maxwell were appointed commissioners with power to fill the other offices by appointment. Maxwell City was made the county seat. Hanson county was organized by the appointment of John Q. Burbank register of deeds; George E. Vernon, G. H. Wetmore and John Caffrey commissioners with power to appoint

the other officers. The county seat of Hanson county was temporarily located at old Fort James and known as Rockport. Henry Walker, John Reeves and George Cheatham were appointed commissioners of Buffalo county, and given power to fill the other offices, except register of deeds, which was filled by the appointment of George Timms. White Earth City near the mouth of White Earth river, was designated as a temporary county seat. C. S. Scott was appointed register of deeds of Turner county, and William W. Aurner, Vale P. Thielman and Lewis H. Elliott were appointed county commissioners. The county seat of Turner county was located on the southeast quarter of section 9, township 97 north, range 53 west, and was named Swan Lake City. Soon after the adjournment of the legislature, in 1871, the agitation of the railroad question came up again in Southeastern Dakota, and the governor was importuned to call a special session of the legislature to pass a measure authorizing organized counties to vote subsidies to railroad companies, and issue bonds to secure the building of the roads. In response to the demand, Governor Burbank called a special session, and on the 21st of April, 1871, he approved an act of the character above mentioned. Yankton county, for whose benefit, more than any other county, the act was passed, held an election on the 2d of September following, and voted a bond issue of two hundred thousand dollars to aid in the construction of the Dakota Southern railroad, from Yankton to Sioux City, Ia., or some point, where it would connect with railroad lines leading eastward. These bonds were to run twenty years, and were to bear interest at the rate of eight per cent per annum, payable semi-annually. The Dakota Southern Company accepted the proposition of Yankton county, and agreed to have a railroad completed to the capital by the close of the year 1872. It was some weeks later than this before the road was finished, and the first train rolled into Yankton in the dead of winter. Ten years later this bond issue came up to harass the people of Dakota, when they were knocking at the door of congress for admission into the Union.

In June, 1872, congress passed an act instructing the secretary of the interior to report the extent of the title of the Sisseton and Wahpeton tribes to the tract of land lying between the Cheyenne and James rivers, which extended eastward, south of the Cheyenne, to the Minnesota line, and which had been made the subject of treaty February 19, 1867. By the agreement made at that time, the whites were granted the privilege of running roads through the Indian possessions. One of the roads constructed

under this right was the Northern Pacific railroad, that part of the line between Valley City and Jamestown being in the Indian country. On September 20, 1872, the Indians ceded the whole tract to the United States except the reservations at Lake Traverse and Devil's lake, which had been established by the aforementioned treaty of 1867. By an act, February 14, 1873, congress amended the treaty of September 20, which step caused a delay in the final settlement with the tribes, and the land was not opened to settlers until June 22, 1874.

In the campaign of 1872 each of the two factions in the Republican party put forth its leader as a candidate for delegate to congress. Instead of becoming reconciled, the breach widened, and again there were two Republican candidates in the field. The "Capital Street" element nominated W. W. Brookings, and the "Broadway" crowd, loyal to their leader, named Col. Gideon C. Moody. Moses K. Armstrong was again nominated by the Democrats, and was given the support of the liberal Republicans. Again Armstrong was elected by reason of the opposing forces being divided. Of the total vote cast, he received 1,902, Moody, 1,549 and Brookings 992. After the election the strife between the two divisions of the Republican party became more bitter, and culminated in the assassination of Gen. E. S. McCook by P. P. Wintermute.

Governor Burbank, Chief Justice French, and General McCook, who had been appointed territorial secretary earlier in the season, constituted the board of canvassers of the vote of 1872. In counting the vote it was discovered that a number of bogus precincts had sent in returns, which the board threw out.

As the time drew near for the meeting of the legislature, it began to be rumored that the "Broadwayites" were endeavoring to form a coalition with certain democratic members, for the purpose of unseating some of the Brookings, or Capital Street clan. One of the members marked for removal was Enos Stutsman, this year a member of the house from Pembina county. Mr. Stutsman had served as president of the council and speaker of the house in some of the earlier legislatures. He was deservedly popular, and the report that he was to be ousted by the means and for the reasons reported, aroused a storm of indignation. Governor Burbank denounced the effort to unseat members of the legislature as an outrage, and he and General McCook are said to have intimated to Mr. Armstrong that if any of his friends became parties to such a course, it might become necessary for the canvassing board to order a recount of the vote and admit the

precincts which had been rejected in the former canvass. Whatever may have been the facts, the canvassing board was not reconvened nor were the members removed from their seats.

General McCook lived on Capital street, while Wintermute lived in the Broadway district. When the latter heard of the proposed action of the canvassing board, he accused McCook of taking sides with the Capital Street faction, and said some very harsh things about the secretary. The ill feeling increased until later during a public meeting, Wintermute after a violent and angry discussion, in which both parties came to blows, shot and killed McCook in self defense, as afterwards found by the jury. The shock of this assassination brought the warring factions to their senses. All saw to what an extent their animosity had led, and the feud was at an end.

The second biennial session of the legislature was convened December 2, 1872, and remained in session till January 10, 1873. On December 21, they passed an act authorizing Yankton county to borrow not more than eight thousand dollars in any one year, nor for a longer period than twelve months, to pay interest on the Dakota Southern bonds, issued the year before. Railroad warrants—not to exceed eight thousand dollars in any one year, and bearing ten per cent interest—were to be issued, and were to be receivable in payment of taxes.

Much attention was paid during this session to the creation of new counties. On January 4, 1873, the governor approved an act creating the counties of Grand Forks, just south of Pembina; Cass county, south of Grand Forks; Richland county, south of Cass; Burbank, west of Cass; Stutsman, west of Burbank; Ransom, west of Richland, and LaMoure, west of Ransom. George Winship, John W. Stewart and Ole Thompson were appointed commissioners of Grand Forks county, and John J. Mullen was appointed register of deeds. Judson LaMoure and A. H. Kelley were named as two of the commissioners of Stutsman county. All other officers in the counties created by this act, were to be appointed by the governor whenever fifty or more voters of the county petitioned for organization.

Fargo was made the county seat of Cass county, and Caginkapa, the county seat of Richland county. It was further provided that the south line of Richland, Ransom and LaMoure counties should be the south line of the northern territory in case Dakota should be divided.

Another bill, of the same date, established a tier of counties along the northern border, from Pembina to Montana. Immedi-

ately west of the county of Pembina was the county of Cavalier; then in order came Rolette, Bottineau, Renville, Mountvaille, and Walette. The last named lay in the extreme northwestern corner of the Territory, and was afterward divided into the counties of Buford and Flannery. South of this tier were established the counties of Ramsey, lying directly south of Cavalier; Foster, south of Ramsey, and McHenry, south of Bottineau. Gingras, Stevens and French counties created at the same time, have since been incorporated into other counties.

On January 8, the following named counties, all in South Dakota, were created: Beadle, Campbell, Clark, Davison, Edmunds, Faulk, Grant, Hamlin, Hand, Hughes, Hyde, Kingsbury, Lake, Lyman, McCook, McPherson, Miner, Moody, Presho, Spink, Stanley, Sully and Walworth. Several counties, viz.: Armstrong, Bramble, Burchard, Cragin, Greeley, Mills, Stone, Thompson, Wetmore and Wood, created by this act, have ceased to exist. Two days after all these counties were established, the county of Douglas was created, and the boundaries of Charles Mix were changed to admit the formation of the new county.

Another memorial to congress, asking for a division of the Territory on the forty-sixth parallel, was passed on the last day of 1872, with but four dissenting votes in the house and none in the council.

Late in 1873, John L. Pennington was appointed to succeed Governor Burbank. He reached Yankton soon after the holidays, and his administration dates from January 25, 1874. After the death of General McCook, Oscar Whitney was appointed secretary.

John L. Pennington was born at Newbern, N. C., and the major part of his education was received in the common schools of his native town. It has been said of him that "he was raised in a printing office," for while he was a mere boy he went to work to learn the printers trade. Before he was twenty-one years of age, he went to Columbia, S. C., where he founded a paper which he named the *Columbian*, and successfully conducted it for a while, when he sold out and went back to Newbern. In 1857 he started the *Newbern Daily Progress*, which he was still conducting when the city of Newbern was captured by the Union troops in 1862. He afterward started another paper at Raleigh, and had it on the high road to success, when, in 1866, he went to Lee county, Ala. Here he was elected to the first legislature of Alabama after the reconstruction, and later was elected state

senator. His term as senator expired in 1873, and the same year he was appointed governor of Dakota, being the fifth territorial governor. As a newspaper writer, Governor Pennington wrote much upon the subject of education. Aside from the early training he had received in the common schools, his own education had been acquired in the great school of experience. Yet he became an able writer and ready debater. In the various positions of trust and profit, from manager of a newspaper to governor of a territory, his career showed him to be a man of good judgment, and to have a fair share of executive ability.

About the time he retired from the governor's office, in 1878, the State of Nebraska and Territory of Dakota had been consolidated into one internal revenue district. He was appointed collector for this district, with headquarters at Omaha. After the death of his wife, which occurred in 1891, he returned south, and took up his residence at Knoxville, Tenn.

In July of this year, the Northern Pacific railroad was put into operation as far west as the Missouri river. The Dakota Southern, from Yankton to Sioux City, a distance of sixty-one miles, was the only other railroad in the Territory. Several other railroads were proposed. The most important were probably the Yankton and Northwestern, from Yankton to the Big Cheyenne river, and the Dakota Central, from Yankton to some point north where a connection with the Northern Pacific would be formed.

It was easy to foresee that the place where the Northern Pacific would cross the Missouri would develop into a town. Actuated by this idea Col. Clement A. Lounsberry, in the spring of 1873, ordered a newspaper outfit, consisting of a Taylor cylinder press and an assortment of type, and set out for the future city of Bismarck. On May 11, he reached the place, and, having been colonel of the Twentieth Michigan cavalry, took out a soldier's homestead, upon which part of the city of Bismarck was afterward built. A cabin was hastily constructed, and on June 14, the printing outfit arrived, several days ahead of the railroad, and on July 6, the first copy of the *Bismarck Tribune* made its appearance. The paper was conducted as a weekly until 1881, when it was changed to a daily.

Early in the spring of 1874, a war party of Unkpapas made a raid on some herdsmen near the Grand river agency, killing Private Collins of the Seventh infantry and stealing several horses. Troops followed the Indians toward Standing Rock until the trail was lost, when they returned to the agency, and the marauders escaped.

In July an Indian threatened the life of the agent at the Lower Brule agency, and then escaped. The tribe was ordered to bring him in and surrender him to the authorities. The next day two hundred and fifty Indians, mounted and armed, appeared at the agency, but refused to give up the culprit until the agent was given up to them. Captain Bush turned howitzers upon them and threatened to fire unless the offender was surrendered. After a short parley they gave up the man and disappeared. Fearing a return, the captain kept the guns in position till the next day, when a council was held, in which Bishop Hare took a part. The Indians were in bad humor and made a demand for the prisoner, some threatening to burn the buildings at the agency if he were not released. No attention was paid to their demand, the man was still held and again they went away, the show of force made by Captain Bush, probably being the only thing that prevented an attack.

Possibly the event fraught with the greatest importance to the people of Dakota during the year 1874, was the expedition of General Custer to the Black Hills. Up to this time no attempt to develop the mineral resources of the Territory had been made. It was generally known that deposits of various minerals were to be found in the region of the Black Hills; expeditions had been organized to explore and locate these deposits, but had been stopped by the government. Governors of the Territory had recommended and legislatures had memorialized, but to all the suggestions and prayers the government had turned a deaf ear until this year, when General Custer was ordered to explore the region and make a report.*

During the summer of 1874, myriads of grasshoppers swooped down upon Dakota, leaving behind them a trail of destruction and famine. Hundreds of families were left without the means of subsistence, or without the seed for another crop. Societies were organized to relieve the suffering caused by the visitation of the merciless insects. Clothing, seed and money were sent to these societies by generous hearted people of the Eastern states, and, by the arrival of seed time in 1875, the people went to work as though such a thing as a grasshopper had never existed, to make the success of this year overcome the disaster of the year previous. But those who lived in Dakota in the year 1874 will not soon forget the grasshopper plague that came to them that summer.

On August 20, a Democratic convention was held at Elk Point,

* For a full account of Custer's expedition see the chapter on the Black Hills.

and Moses K. Armstrong was again nominated for delegate to congress. On this occasion they adopted a resolution to the effect "that it is the sense of this convention, that the best interests of the public demand the erection of a new territory of that portion of Dakota lying north of the forty-sixth parallel." The nominee of the convention was pledged, in the event of his election, to use all honorable means to accomplish this end.

The two factions of the Republican party reunited this year and nominated Jefferson P. Kidder for delegate. Of the 9,518 votes cast, the board of canvassers rejected about 2,800 from the Black Hills, on the ground that the section where they were cast was in an Indian reservation, and not entitled to recognition. This decision gave the election to Judge Kidder.

The third biennial legislature, and the eleventh session since the organization of the Territory, was convened December 7, 1874. Up to this time the greater part of Western Dakota had not been divided into counties. By the act of January 11, 1875, this unorganized territory was divided into the counties of Lugenebeel, Shannon, Forsythe, Custer, Lawrence, Pennington, Cheyenne, Delano, Mandan, White River, in the southern part, and Mercer, DeSmet, and Barnes lying north of the forty-sixth parallel. Subsequent subdivisions of some of the larger counties created by this act have caused them to disappear entirely from the map. At the same time Brule county was established, lying west of what was then Cragin county; H. M. Leedy, George Trimmer and James Blacketer were named as county commissioners and M. H. Day was appointed register of deeds.

On January 14, Traill county, in the northern part, was created. The Minnesota state line forms the eastern boundary of Traill county, and the northern boundary is marked by the twelfth standard. The county seat was located on the southeast quarter of section 15, township 146 north, range 49 west, and was named Caledonia. It was removed to Hillsboro about 1891. The legislature appointed Asa Morgan, John Brown and James Ostland county commissioners; George E. Weston, register of deeds; C. M. Clarke, sheriff, and Asa Sargent, judge of probate. Traill county was originally a part of the county of Grand Forks. By the establishment of the new county, the boundary lines of Grand Forks county were made to conform. The legislature named D. P. Reeves, Alexander Griggs and George E. Wheeler for commissioners, and James Elton for register of deeds.

At this session the legislature passed an act authorizing the governor to appoint a commission of "three competent and worthy

persons, learned in the law, to revise and codify the laws of this territory." In pursuance of the provisions of this act, Governor Pennington appointed P. C. Shannon, chief justice of the territorial supreme court, Granville G. Bennett, associate justice of the supreme court, and the Hon. Bartlett Tripp. This commission was organized in January, 1876, a few days after the adjournment of the legislature. Judge Shannon was chosen chairman, and Gen. W. H. Beadle was elected secretary. So thoroughly did the members of this commission to their work, that their report was not completed until near the close of the legislative session in February, 1877.

By an executive order, January 11, 1875, the president set apart a tract on the east side of the Missouri river, as an addition to the reservations established by the treaty of April 29, 1868. Briefly described this tract included all the land lying south of the forty-sixth parallel, between the ninety-ninth meridian and the Missouri river. This tract, except a very small portion which was relinquished by the order of March 20, 1884, was again restored to the public domain by an executive order, dated August 9, 1879.

On March 16, the president issued another order, adding to the Sioux reservation west of the Mississippi river a tract of land lying between the forty-sixth parallel and the Cannon Ball river, and extending west to the one hundred third meridian. This land was ceded to the United States by the treaty of April 29, 1868, and, notwithstanding this executive order, it really reverted to the Indians by the treaty of September 26, 1876, being that part of the Standing Rock reservation lying north of the forty-sixth parallel. A small tract was added to the Sioux reservation by an executive order of May 20. This addition lay just west of the Yankton reservation near Fort Randall, and was practically a continuation of the Yankton reserve to the Missouri river.

This brings the history of Dakota down to the year 1875. The most important event of the year 1876 was the acquisition of the Black Hills by the United States, by the treaty of September 25. This acquisition will be made the subject of the next chapter.

CHAPTER III

Acquisition of the Black Hills

SOON after the discovery of gold in Wyoming and Montana, the belief became prevalent that gold in paying quantities could be found in the Black Hills. Lieutenant Warren, of the United States topographical engineers, made a report of his visit to the Hills in 1857, in which he said: "The Black Hills are composed of the same formations of stratified rocks as are found in the gold bearing gulches of the Wind river and Big Horn mountains where gold has been found in paying quantities." This belief was further strengthened by the widespread circulation of stories, mythical or otherwise, of immense finds of the precious metals there by the Indians. One of these stories went back as far as 1811, when the natives would come to a trading post of the American Fur Company, located at the confluence of the north and south forks of the Big Cheyenne river, about twenty-five miles from the Hills, bearing fine nuggets of gold, which they would exchange for sugar, coffee, gaudy trinkets and fire water. These Indians always claimed that they found the gold somewhere in the Black Hills country, but neither threats nor bribes could induce them to betray the exact locality. An old French *voyageur*, who had been an employe of the American Fur Company during this period, when on his death bed, in the winter of 1855, called a friend to his bedside, presented several fine specimens of gold as an evidence of the truthfulness of his story, and started to tell where the mines were to be found. But, as frequently happens in fiction, his death occurred before the narrative was finished.

Father DeSmet, a Catholic missionary among the Indians of the Upper Missouri as early as 1840, used to tell of the rich

deposits of gold in the Black Hills. It has been asserted that the venerable priest knew the precise locality, but would not make it known, lest by betraying the confidence reposed in him he might lose his influence over the tribes that had entrusted him with the secret. His interest in the spiritual welfare of the Indians was greater than his desire for wealth, and for this reason he never broke faith with them. However this may be Father DeSmet is known to have said in 1870, a little while before his death, that, "In the Black Hills of Dakota, beyond the ken of the white man, and where his feet have never trod, there is gold enough with which to pay off the debt of the nation, and for that matter, the entire debt of the civilized world, and yet these deposits would scarcely have been drawn upon." None who knew Father DeSmet, or who was acquainted with the character of his work, would doubt for a moment his sincerity.

In 1862 two Indians brought about twenty thousand dollars' worth of gold to Fort Laramie, and sold it to Mr. Bullock, the post trader. A little later another Indian came to Fort Laramie with a peck of gold dirt, so rich that it excited general curiosity. Several wanted to buy it, and began bidding against each other for it, when the Indian became confused. Then, when they importuned him to tell where he had obtained it, the Indian became frightened, threw the sack of dirt into the Platte, and fled for his life.

To all such stories as these was added the subtle influence of an indefinable mystery that hung over the Hills. The Sioux name "Pah-sap-pa," which has been translated into English as the Black Hills, had much the same significance to the Indians as the words "black art" had to the unlettered mind of the middle ages. Partially surrounded by the Bad Lands—the awe inspiring *Mauvais Terres*—the Black Hills were looked upon as "Medicine country," inhabited by supernaturals, who would resent any familiarity with their chosen abode. When, in 1857, Lieutenant Warren started to enter the Hills, he was warned back by the priests, who told him it was sacred ground. A few of the more daring among the Indians would cut lodge poles from the foot hills, but few could be found who were brave enough to venture into the interior of this spirit-infested region.

All these conditions fired that heterogeneous compound of humanity that makes up the world of gold hunters, with a desire to prospect in the Black Hills. To the hope of finding gold was added the love of adventure, and in 1870 a company was organized at Bozeman, Mon., to explore the Hills. The company

was called "The Big Horn Mountain and Black Hills Mining Association," and was officered as follows: Judge W. T. Kuykendall, president; J. S. Farrar, executive officer; C. R. McClelland, secretary; Col. T. R. Murrin, commander of battery; Dr. J. S. Claridge, surgeon. T. D. Munn, C. R. McClelland, J. J. Holbrook and C. D. Currin were designated press correspondents. In the spring of 1874 this association sent an expedition of 150 well armed and well mounted men, accompanied by Colonel Murrin's battery, which consisted of one small cannon, to the eastern slope of the Big Horn mountains, with instructions to reach the Black Hills if possible. This expedition made the attempt to prospect for diggings in the Hills; but, after daily battles with the Sioux for several days, they were forced to retreat.

The same year the government sent an expedition to the Black Hills under the command of Gen. George A. Custer. According to R. B. Cowan, acting secretary of the interior, it was sent out "merely as a military reconnoissance of the country for the purpose of ascertaining the best location if in future it should become necessary to establish there a military post." Nevertheless a number of scientists, practical miners, etc., accompanied the expedition, and the result of their investigations was included in General Custer's report upon his return.

Custer organized his forces, consisting of ten companies of cavalry, two companies of infantry, and sixty Indian scouts, at Fort A. Lincoln, where he went into camp on the 19th of June. On July 2, he left Fort Lincoln, and returned August 30. His general course lay in a southwesterly direction, until he reached Prospect valley. From this point he went up the Little Missouri some distance, and then turned south until he came to Belle Fourche, which he reached July 18, having marched 300 miles in sixteen days. Crossing Belle Fourche near the mouth of the Redwater, he proceeded up the latter stream as far as Inyan Kara, and from there in a southeasterly direction to the heart of the Black Hills. Then following along the valleys from one to another, he reached the beautiful park region, which up to this time had been a veritable *terra incognita*. On his return he went almost due north to Slave Butte, crossed his former trail in Prospect valley and turned eastward to the Heart river. Following along the north bank of this stream he reached Fort Lincoln August 30, as already stated. No hostile Indians were encountered, but the expedition caused great excitement among the various Sioux tribes and among the gold hunters.

In his report to the adjutant general, for the department of Dakota, General Custer gave a flattering account of the country, particularly regarding its possibilities for agricultural pursuits. That part of his report, bearing on the question of gold mining said: "The miners report that they found gold among the roots of the grass, and from that point to the lowest point reached, gold was found in paying quantities. It has not required an expert to find gold in the Black Hills, as men without former experiences in mining have discovered it at an expense of but little time or labor." The report also stated that the scientists with the expedition were satisfied that lead and silver could be found in paying quantities.

One can imagine the excitement that followed the publication of this report. Although old miners had never given much credence to the stories told of the fabulous wealth in the Hills, they hailed with delight the expedition of General Custer, as a sure means of creating public sentiment in favor of opening up the country to settlement, which would in time force the government to act. They understood that the occupation of the Black Hills meant that the whole country west of them across the Powder river and Big Horn mountains must soon follow. General Custer, in his report, referred to the Indian attitude as a "dog in the manger policy." They made no effort to develop the resources of the Hills themselves, and they were opposed to their development by the whites. The Black Hills were convenient to the Indians, their possession enabling them to carry on an illicit traffic in arms and ammunition with certain unscrupulous white men. As the route between the country of the hostile tribes on the Powder and Yellowstone rivers, and the large agencies of the peaceable tribes on the Missouri, lay along the base of the Hills, this traffic was made easy. For the purpose of breaking up this trade, General Custer recommended that the Black Hills either be opened to settlement, or be occupied as a military reservation.

As soon as the tenor of this report became generally known, companies were formed in various parts of the Northwest to go to the Black Hills, Sioux City and Yankton acting among the first. A general stampede to the new mines was only prevented by this order of General Sheridan, under date of September 3.

"To Brig. Gen. Alfred H. Terry,

St. Paul, Minn.

"Sir: Should the companies now organizing at Sioux City and Yankton trespass on the Sioux Indian reservation, you are

hereby directed to use the force at your command to burn the wagon trains, destroy the outfits and arrest the leaders, confining them at the nearest military post in the Indian country. Should they succeed in reaching the interior, you are directed to send such force of cavalry in pursuit as will accomplish the purposes above named. Should Congress open up the country to settlement by extinguishing the treaty rights of the Indians, the undersigned will give cordial support to the settlement of the Black Hills. A duplicate of these instructions has been sent to General Ord, commanding the Department of the Platte.

P. H. SHERIDAN, Lieut. General."

Notwithstanding this order a party of adventurers, consisting of twenty-eight men and one woman, Mrs. A. D. Tallent, and her ten year old son, left Sioux City October 6, for the Black Hills. They were equipped with six wagons, carrying a stock of provisions for the winter and tools for mining and building cabins. By pursuing a somewhat devious route, they managed to avoid the military posts. They first went up the south bank of the Niobrara for about ninety miles, when they crossed over, and, striking a northwest course, came to the headwaters of the Keya Paha. Here they turned north, and, after crossing White river, again changed their course to northwest till they came to Bad river. Following up this stream to its source, they turned west till they came to the Big Cheyenne at the mouth of Elk creek. From this point they gained access to the Hills by keeping along the divide between Elk and Bear creeks. About the middle of December they reached Custer Park, where the first gold had been washed out by Ross and McKay, the mining experts with the Custer expedition. Here they went into winter quarters. They built a stockade eighty feet square, inside of which were four log cabins. January was almost gone before everything was complete, and the work of prospecting for gold was postponed till spring. A town which they named Stonewall was laid off, and all the preliminary steps to form a permanent settlement were taken. Two of the party, Ephraim Witcher and John Gordon, returned to Yankton for reinforcements and supplies, arriving there about the last of February, 1875. They showed specimens of gold and gave such glowing accounts of the country, that they had no trouble in arousing an interest in their enterprise. But before the time came for them to return, Captain Mix was ordered into the Hills, with a company of cavalry, to "remove any parties of miners found there."

The party from Sioux City had not been the only ones to find their way into the Black Hills. While the military, in accordance with General Sheridan's order, had been stationed at all accessible points leading to the Hills, several such parties had managed to run the blockade, and were only waiting for settled weather to begin active operations. All these were ferreted out by Captain Mix and conducted out of the reservation. But it often happened that, while one party was being driven out in one direction, another would enter from some other point of the compass. If the trespassers were turned over to the civil authorities, which was frequently the case, they were generally released, because the civil powers, as a rule, favored the acquisition of the Black Hills.

In April those at Stonewall began the work of prospecting. They had not proceeded far, when they were discovered and brought out by the military. Enough had been done, however, to prove conclusively that gold could be found in the Black Hills. Prior to their departure, they placed everything at their stockade in as good shape as possible, elected a president and board of trustees, changed the name of the place to Custer City, and announced their intention to return as soon as possible. The next day, after these preparations were completed, they marched out, as Judge Kuykendall, one of their number, said, "to gratify treacherous Indians and a corrupt Indian ring."

Matters were aggravated by this policy on the part of the government. Those who had been expelled were interviewed, and their statements were published in nearly every newspaper in the West. Posing as martyrs they awakened sympathy, and a general interest in the Black Hills question resulted. The number of "boomers" increased, and as they became numerically stronger a disposition was manifested on their part to resist both Indians and the military.

When matters reached this crisis, President Grant caused secret inquiries to be made among the Indians to ascertain the sentiment touching the relinquishment of that portion of their reservation. In January, 1875, Red Cloud and Spotted Tail visited Washington by invitation of the government, to enter into negotiations for the sale of the Black Hills. In June, 1875, the president appointed a commission to hold councils with the Teton tribes, and if possible work up a sentiment among them that would lead them to enter into a treaty. On the 17th of September this commission met delegations from the Northern Cheyennes, Arapahoes, Yanktons and Yanktonais, on the plain north of Crow Butte, eight miles east of the Red Cloud agency on White river.

Four meetings were held, but they were barren of results. Chiefs Red Dog, Red Cloud, Spotted Tail, Crow Feather and several Bears and Wolves, indulged in a great display of oratory, in which they professed an undying friendship for the white man, but informed the representatives of the Great Father that only that part of the Black Hills containing gold would be sold. The fertile valleys and forests about the foot hills must forever remain the inheritance of the red man. Nor were they very modest in their demands. Extracts from some of the speeches made by the chiefs will perhaps best illustrate the Indian notion of the value of the Black Hills. Little Wolf, in his address, said: "If the Great Father gets this rich country from us, we want something to pay us for it. There is gold and silver and a great many kinds of minerals in that country. The Great Father gets that for the whites. They will live on it and become rich. We want him to make us rich too." Crow Feather, not content with fixing a price upon the land as it was at that time, said: "I hope the Great Father will look and see how many millions of dollars have been stolen out of the Black Hills, and, when he finds out, I want the Great Father to pay us that."

At the last meeting of this council, which occurred September 20, the older chiefs expressed themselves as being in favor of selling the gold bearing portion of the Black Hills, if the government would pay them seventy million dollars and give their tribes support for seven generations. The younger chiefs absolutely declined to sell at any price. Under these conditions, there was nothing left but to adjourn the council. The commission failed because it lacked authority to comply with the Indian idea of value.

A scientific exploring party was sent out by the government in 1875, under the direction of Prof. Walter P. Jenney. This expedition, which left Fort Laramie May 25 with an escort of soldiers, reached the south base of the Black Hills in due time and went into camp on Beaver creek. For five months the work of exploring and prospecting went on, the party returning to Fort Laramie late in October.

A few hardy and adventurous miners were already at work in the Black Hills, but, during the late fall and winter of 1875-76, hundreds flocked to the new El Dorado, lured thither by the promising tone of Professor Jenney's report. A few extracts from this report may not be out of place in this connection, only that part relating to the mineral resources of the Black Hills being presented:

"The Harney's Peak gold field is almost wholly in Dakota, and extends about fifty miles north and south, with an average breadth of nearly twenty miles; covering an area of nearly eight hundred square miles. The valuable gold deposits, however, are found in the streams which drain that area, the gold being derived from the disintegration of the quartz ledges, which are very numerous in the rocks of that region. . . . The most extensive and valuable beds of auriferous gravel discovered during the past season were in the valleys of Spring and Rapid Creeks, and their tributaries, where, in almost every case, the gravel bars are advantageously situated for working, and where many natural circumstances contribute materially to the profitable extracting of the gold they contain. . . . While as yet there have been discovered in the Black Hills no deposits of gravel sufficiently rich in gold to be profitably worked in the primitive manner with pan or rocker, yet there are many bars in the Harney's Peak field, especially upon Spring creek, the forks of Castle and Rapid creeks, and the valleys of other of those mountain streams, which, when skillfully worked by gangs of miners with sluices, will yield a good return for the labor employed and the capital invested. . . . Timber of suitable size and quality for the construction of flumes and sluices is abundant; the water supply is, in most localities, ample, and the fall of the streams sufficiently great to enable the water to be readily carried above the level of even the more elevated deposits of gravel."

What wonder that the optimistic character of Professor Jenney's report, as shown by these few extracts, should attract the attention of the gold seeker? But hundreds did not wait for the publication of this report. The Jenney party had scarcely left the hills until a constant stream of miners began pouring in. Among the first places where gold was discovered was Bear Gulch. Here Frank Oliver found several nuggets, the largest of which weighed twenty-seven pennyweights and was worth thirty dollars. News of such finds as this spread rapidly, and could be better understood by many than the scientific phraseology of Professor Jenney's official information. As the general public came to learn of the probable existence of rich deposits of mineral wealth in the Black Hills, the government was driven to accept one of the horns of the dilemma. Either a military force sufficient to protect the reservation must be sent to the Black Hills, or the Indian must be bought off. The government yielded to the inevitable and bought off the Indian.

In 1876 another commission was appointed to make an effort

to secure the Black Hills by treaty. That commission was made up of men who understand Indian ways. At the head of it was Newton Edmunds, ex-governor of Dakota, and associated with him were Bishop Whipple, Colonel Manypenny, Doctor Boules, Doctor Daniel, Judge Gaylord and Colonel Boone, a grandson of Daniel Boone. They started in at Fort Robinson, Neb., in August. For a time no progress was made. Many of the Indians had taken a part in the Custer Massacre in June, and consequently were in no frame of mind to talk of a treaty. The final council was arranged to meet about the middle of September. At this council all the Sioux tribes, the Northern Cheyennes and the Arapahoes were represented. But all were more or less morose and intractable. For ten days they sat like graven images, listening to the logic and blandishments of the members of the commission, without a gesture of dissent or a grunt of approval. Head and heart alike were appealed to in vain. Then it was decided to try an appeal to the stomach. By a majority of one the commission voted to stop the supply of rations until the Indians were willing to express themselves. When Judge Gaylord notified them of the decision of the commission, the Indians got very much excited, and fears were entertained as to the consequences of such a policy. But the commission stood firm, and the next day, had the satisfaction of learning that the Indians were willing to parley. The surrender had come so quickly that the commission was not prepared for it. It was now their turn to delay matters. The council was postponed until the next day, and the members of the commission sat up all night to get the treaty ready for the signatures of the chiefs.

By this treaty, which was consummated September 26, 1876, the Indians ceded to the United States all that part of the reservation set apart for them by article two of the treaty of April 29, 1868. This cession includes all that part of Dakota lying between the one hundred third meridian, and the Wyoming and Montana line, south of the forty-sixth parallel. Also all that part of the reservation lying east of the one hundred third meridian and between the two forks of the Big Cheyenne river. For the relinquishment of all rights to this tract, the government agreed to furnish the Indians with supplies until they might become able to support themselves, and in a vague and general way to "provide necessary aid to assist said Indians in the work of civilization." No mention of the seventy million dollars of the year before was made,—no allusion to support for seven generations. The treaty was ratified by congress, February 29, 1877.

Now the Caucasian had a right to explore, prospect and develop to his heart's content. The Hills were opened to settlement, but, after the first impetuous rush, the people settled down to business. Signs of civilization appeared on every hand. The mountain sheep trail broadened into the highway, and the whistle of the locomotive instead of the howl of the coyote or the warwhoop of the savage soon came to be heard. Towns sprang up as if by magic. Within eighteen months from the time the Hills were opened to settlement, Deadwood, Gayville, Central City and Lead City had a combined population of nearly eight thousand, while Lancaster Pennington and Galena City added about three thousand more. Professor Jenney's suggestions had been utilized, and his predictions had been fully verified. In the spring of 1878 forty stamp mills, equipped with about six hundred stamps, were in operation. In addition to gold and silver,—copper, iron, lead, nickel, tin, graphite, mica, antimony and manganese have been found in paying quantities. Some of the tin ore of the Black Hills has yielded a net product of seventy-five per cent, while the highest yield of the famous Cornish mines of Wales is only seventy-two per cent. According to reports of R. J. Minter, United States assayer and state mine inspector, the value of the gold output alone, from 1876 to 1900 was, in round numbers, one hundred ten million dollars. Fifty miles from Deadwood are soft coal deposits, from which comes all the coal used for fuel and steam purposes in the mining districts, and, for that matter, throughout all the southwest part of South Dakota.

CHAPTER IV

Dakota, from 1876 to 1884

DURING the years immediately succeeding the opening of the Black Hills country, little out of the ordinary current of events occurred in the older settlements of Dakota. As is usual in such cases, the general interest centered in the mines. But this development of the mineral resources of the western portion of the Territory brought population, and many a man who failed as a miner became successful as a farmer, or in some other line of business.

In the campaign 1876, a wider interest was manifested in the question of dividing the Territory. On July 6, the Democratic convention was held at Yankton, and S. L. Spink was nominated for delegate to congress. This convention passed a resolution declaring that "we favor the organization of a new territory out of the northern part of Dakota, and believe such an organization will largely tend to enhance the interests of the people in both sections." The Republicans again nominated Judge Kidder, who was elected by a vote of 6,199 to 2,413. In the legislature the Republicans elected a majority in both house and council.

The most important act of the legislative session, in the winter of 1876-77, was the adoption of the report of the commission on revision and codification, appointed in January, 1876. From the first legislature, in 1862, down to the close of the eleventh session, in 1875, each assembly had passed, amended, and repealed laws until a general lack of system prevailed when this commission was appointed. The code of civil procedure of 1862 had been repealed in 1868 and that of New York adopted, and the code of criminal procedure adopted in 1868 was repealed in 1873 and again adopted in 1875. A large number of special acts, con-

ferring privileges or legalizing the performances of certain localities, had been passed during these first eleven sessions, and, in the enactment of laws of a general nature, but little attention had been paid to their relation to, or bearing upon, other laws already in force. All this mass of promiscuous legislation was classified by the commission into a political, a civil and a penal code.

All the laws relating to the government of the Territory under the organic law of congress; the powers and duties of territorial officers; the rights and privileges of municipal corporations, and management of public institutions, were now brought into an orderly arrangement and practical system for the first time. These laws constituted the political code. The civil code embraced all those statutes relating to persons and their relations, and to obligations of all kinds regarding persons and property, including private corporations. As a code of written law it was modeled after that of the New York code commission. In a more condensed form the civil code was enacted in Dakota in 1866; afterward it was amended and adopted in California in 1873. By the penal code was made a classification of offenses in harmony with the latest and most approved legislative standards. Provisions for the prevention of crime and penalties for the punishment of criminals are ample, and the language is divested of all verbiage. This code also had its origin in New York; California had revised and adopted it, and in an abridged form it had been adopted by the Dakota legislature in 1865. The adoption of the report of the commission now made the code complete.

On January 24, 1877, both branches of the legislature unanimously adopted a memorial praying congress to divide the Territory along the line of the forty-sixth parallel. A similar memorial had passed two years before, with but one dissenting vote in the council. The senate of the United States passed a bill in December, 1876, to erect the Territory of Huron out of that part of Dakota north of the forty-sixth parallel, and this bill was pending in the national house of representatives at the time the territorial legislature passed the memorial above referred to.

Albeit the second session of the legislature had passed an act in 1862, locating a penitentiary at Bon Homme, no appropriation for a building had been made, and consequently none had been erected. With a steadily growing population, the need of an institution of this character became so pressing in 1877, that Governor Pennington made a contract, August 20, with the

trustees of the house of correction at Detroit, Mich., for the safe-keeping of Dakota prisoners, at the cost of a dollar and a half per week for each of those whose terms were two years or less, and a dollar and a quarter per week for each prisoner sentenced for a longer term. This arrangement was continued until the Dakota penitentiary was built some years later.

In 1878 President Hayes appointed William A. Howard, of Michigan, governor of Dakota. He was a native of Vermont, being born at Hinesburg in that state, April 8, 1813. He could trace his lineage back to John Henry Howard, who came to America and settled at Duxbury, Mass., in 1753. When he was about fourteen years of age, he was apprenticed to a cabinet maker, and the next five years were spent in learning his trade. But he was too ambitious to spend all his life at a cabinet maker's bench. As soon as his apprenticeship was ended, he entered Wyoming Academy, where, during the next three years, he prepared for college. In 1839 he graduated from Middlebury College, and for the next two years taught a select school in Genesee county, N. Y. From 1840 to 1842 he was a mathematical tutor in the University of Michigan. While thus engaged, he took up the study of law, and in 1842 was admitted to the bar. Soon after being admitted, he formed a partnership with Alexander Buell, of Detroit, which partnership lasted until 1848. In 1854 he was elected a representative in congress from Michigan, and was re-elected in 1856 and 1858. On the face of the returns in 1858, his opponent, George B. Cooper, was declared elected, but Mr. Howard contested the election. The contest was not decided until May 15, 1860, when, upon the recommendation of the committee on elections, it was settled in favor of Mr. Howard. While in congress, he served as a member of the Ways and Means committee, and, in 1856, was a member of the committee of which John Sherman was chairman, to investigate the Kansas troubles. Much of the report of this committee was written by Mr. Howard. During the campaign of 1860, he took an active part as a public speaker in Michigan, and also in some other states. President Lincoln appointed him postmaster at Detroit in the spring of 1861, and while serving in this position he gave moral and material aid to the raising of troops for the Union army in the Civil war. After the expiration of his term as postmaster, he removed to Grand Rapids, Mich., where he served for some time as a commissioner of the Grand Rapids and Indiana railroad. He was also commissioner of the Northern Pacific railroad in 1872. In 1866 he went to Philadelphia, Pa., as a delegate to

the historic National Union convention which assembled at that city in August. Always active in behalf of his party, he was a delegate to the Republican national conventions of 1868, 1872 and 1876. As leader of the Michigan delegation, in the convention of 1876, he threw the vote of his state to Rutherford B. Hayes at a time when many of the delegates were looking for a candidate upon whom a compromise could be effected. The result was that Hayes was nominated, and after his inauguration it is said that Mr. Howard was billeted for an important position in the foreign service, but in 1878 was influenced by Alexander H. Stephens to accept the governorship of Dakota. His career as governor of the Territory presents no startling features, because, during his administration, no startling events occurred. Although his appointment was in the nature of a payment of a political debt, his messages to the legislature and his reports to the Federal government show him to have been a man of wide information and fine executive ability. Early in February, 1880, he went to Washington, D. C., and remained there until his death, which occurred on the 10th of April following.

In the campaign of 1878 the Republicans nominated Judge Granville G. Bennett and the Democrats, Hon. Bartlett Tripp for supreme justice. Both candidates had, two years before, been members of the commission to revise and codify the laws. The election resulted in favor of Bennett.

During the session of the legislature of 1879, the boundaries of several counties were changed to meet the demands of a growing commonwealth, and by an act of February 22, the counties of Brown, Aurora and Day were created. February 10, the legislature passed an act to reimburse Governor Howard to the amount of two thousand three hundred eighty-six dollars and thirty cents for money advanced to build the insane hospital at Yankton; and on the 22nd an appropriation of three thousand nine hundred dollars to furnish the hospital was made. On the same date the assembly made an appropriation of ten thousand dollars, or so much thereof as might be necessary, for the building of a penitentiary. On February 21 they passed an act authorizing the governor to make a contract with Iowa, Nebraska or Minnesota for the care of the deaf and dumb of Dakota. A resolution protesting against the admission of Dakota as one state was also adopted.

The census of 1880 showed the population of Dakota to be 135,180, an average increase of a thousand a month since the census of ten years before. Immediately following the taking

of the census, the agitation for division of the Territory became stronger than ever. Sometimes the sentiment was stronger in the southern part, sometimes in the northern, but from this time forward the question was almost continually kept before the people.

By an executive order of June 27, 1879, the president set apart, as a reservation for Drifting Goose's band, townships 119, 120 and 121 north of range 63. This reservation lay on both sides of the James river, a little distance south of Aberdeen. Drifting Goose and his band never occupied the reservation thus established, and it was restored to the public domain, by order of the president, July 13, 1880, under the same order that part of the Fort Berthold reservation, between the Little Missouri and Heart rivers, west to the Montana line, was also restored to the public domain.

From February 5 to June 24, 1880, George Harper Hand, secretary of the Territory, was also acting governor. He was born in Ohio, in 1827. At the age of sixteen he went to Wisconsin, where he afterward studied law in the office of Edwin Wheeler at Oshkosh. In March, 1858, he married Miss Helen M. Ketchum, of Portage, Wis. Mr. Hand enlisted in the Chicago Board of Trade battery in 1864, and served till the close of the war. He was appointed United States district attorney by President Johnson in 1867, and went to Yankton. Upon retiring from the office of district attorney, he formed a partnership with G. C. Moody, for the practice of law, but was soon appointed register of the United States land office. In 1874 he succeeded Oscar M. Whitney as territorial secretary, and was reappointed in 1878. He was one of the delegates to the first constitutional convention, at Sioux Falls, September, 1883, and was a consistent advocate of division. After the Territory had been divided, and South Dakota had been admitted as a state, Mr. Hand returned to the practice of his profession. Hand county, S. D., was named in his honor. He died at Pierre March 10, 1891.

Nehemiah G. Ordway, the seventh territorial governor of Dakota, assumed the duties of the office June 24, 1880. Governor Ordway was born at Warner, Merrimac county, N. H., in November, 1828. As a boy he attended the common schools and was engaged in mercantile pursuits until 1855, when he removed to Concord. The following year he was appointed sheriff of Merrimac county. In 1861 he was appointed general agent of the postoffice department for the New England States, with headquarters at Boston, Mass. Beginning with the thirty-eighth

congress, he served for ten years as sergeant at arms in the national house of representatives. In 1875 he was elected a representative in the New Hampshire legislature, was re-elected in 1876 and again in 1877. During this period he was also elected a member of the State Constitutional convention, and served as a member of the tax commission to revise the tax system of New Hampshire. He was elected to the state senate in 1879, and upon the death of Governor Howard was appointed governor of Dakota for a term of four years.

Richard F. Pittigrew, Republican, was elected delegate to congress in 1880, over M. L. McCormack, the Democratic candidate, by a vote of 18,909 to 9,182.

The fourteenth session of the legislature was convened on the 11th of January, 1881, and remained in session until the 7th of March. George H. Walsh was elected president of the council, and J. A. Harding, speaker. Considerable attention was given, at this sitting, to the needs of the Territory in the way of penal, charitable and educational institutions. On February 17, the legislature approved an act authorizing a bond issue of fifty thousand dollars for the construction of a penitentiary at Sioux Falls, and making an appropriation for the removal of the prisoners from Detroit, Mich. Another bond issue of forty thousand dollars, for building an insane asylum at Yankton, was authorized, by the act of February 21, and an appropriation of thirty-three thousand dollars for maintenance of the institution for two years, was voted. Normal schools were located at Alexandria, Madison, Spearfish and Watertown, conditioned upon the citizens of these several towns acquiring and donating suitable locations for the schools, without expense to the Territory. At Alexandria, 160 acres were asked for by the act; at Madison, 160 acres; at Spearfish, 40 acres, and at Watertown, 80 acres.

Walsh county was created February 11. On February 16 the counties of Forsythe and Custer were consolidated under the name of the latter; Morton county was created, and the name of Gingras county changed to Wells. Two days later Griggs county was established, as was Dickey county on March 5. Several other counties were created during the session, but were afterward discontinued as distinct organizations.

The question of division came up again in this legislature, and a memorial praying for a division of Dakota into three territories passed both branches, with ten negative votes in the house and three in the council.

The spring of 1881, is memorable in the annals of Dakota for

the great ice-gorge and flood that devastated the valley lands of the Missouri and its tributaries. From Vermillion to Mandan scarcely a hamlet escaped. For ten days the Missouri valley between these points was covered with water filled with huge cakes of floating ice. Sunday, March 27, was the warmest day since the preceding autumn. All day the snow melted rapidly and every one felt that a break-up was imminent. But none was prepared for the terrible and far reaching destruction which followed. Nineteen years had passed since the great flood of 1862, and a large majority of the people of Dakota had come to the territory since that time. They had heard from the Indians and old settlers, tales of high water in the Missouri, but these stories had never made a very deep impression. Now they were to be awakened by an awful experience.

About four o'clock that Sunday afternoon, the ice began to give way, and in a few moments the whole channel of the river was a solid mass of ice floes, some of them fifty feet square. One of these huge cakes struck the steamer *Western*, lying at the Yankton landing, and made such a break in her side that all efforts to keep her from sinking were futile. At Vermillion the break-up commenced about midnight. Church bells were rung to alarm the people, and in a little while the streets were full of people hurrying to the bluffs to escape the rapidly rising waters. Monday morning it was hoped that the worst was over. But it had not yet begun. All day Monday and Tuesday, the water continued to rise slowly, the whole river being filled with great cakes of ice. About five o'clock Tuesday afternoon, March 29, the great gorge formed a few miles below Yankton, and during the night was extended up the river for thirty miles. Wednesday morning hundreds of people gathered upon the banks of the stream to witness the impressive spectacle. The noise of the grinding ice had ceased and an ominous stillness hung over the great mass that the people were waiting, and yet dreading, to see give way. Those who had gone through similar experiences in former years, fearing the worst, utilized the moments in making preparations to save themselves, and such of their possessions as they could, from the flood that they now knew was certain. About noon a low rumble, like that of distant thunder, was heard, and a slight tremor was noticed in the body of the ice pack. The gorge had broken. In an incredibly short space of time the millions of tons of ice were in motion. As the ice moved out, the pent up waters that had been held in check by the mighty gorge, swept over the valley. Houses, out-buildings and steamboats

became mere playthings for the raging torrent. At Yankton the three steamers, Butte, Black Hills and Helena, were thrown together by the resistless power of the flood, and were almost completely broken to pieces by the floating ice. The Peninah and the Nellie Peck, two of the largest steamers on the Upper Missouri, were picked up like pieces of cork, and carried nearly a half mile out upon the prairie where the Peninah remained after the waters subsided. When the gorge broke, the ice was carried around the settlement on Green Island, opposite Yankton, rendering escape impossible. As the waters rose every building on the island was demolished and several lives were lost.

Another gorge was formed near the same place, Sunday, April 3, and the water, which had fallen somewhat, began to rise again. This gorge held firm until late Tuesday afternoon, April 5, when with a mighty crash it gave way all at once, and in a few hours the flood was at its height and sweeping everything before it. Gorges were also formed in the James and Vermillion rivers, and the valleys of these streams, for miles, were completely inundated. As the waters abated great piles of ice were left deposited in the fields, and weeks elapsed before they were entirely melted away.

The three southeastern counties of Dakota were the greatest sufferers. There the population was more dense, and they were so situated, topographically, that they received the full force of the flood. The loss to buildings and live stock was large, and from 3,000 to 5,000 people were rendered homeless. Railroad communication was cut off, and many were threatened with actual starvation. In this emergency Sec'y George H. Hand telegraphed April 11, for help. The next day he appealed to President Garfield for assistance, and the secretary of war was ordered to furnish rations from the army and Indian supplies until further orders. Captain Wheeler, acting under the orders of Gen. A. H. Terry, issued rations of clothing to a large number who had lost nearly everything they possessed. On April 14, a meeting was held at the governor's office, and an address to the general public, asking for aid, was prepared for publication. This address was signed by George H. Hand, territorial secretary; J. R. Sanborn, mayor of Yankton; Rev. Joseph Ward; ex-Gov. Newton Edmunds and Hon. Bartlett Tripp. The charitably inclined people responded liberally with donations of food, clothing and money, all of which were carried by the American express company at greatly reduced rates. Altogether more than

78,000 rations were issued, but with the coming of spring the people ceased to bemoan their misfortunes, and, with the characteristic determination of the true western pioneer, went to work to retrieve their losses.

One of the earlier legislatures passed an act locating a university at Vermillion, but nothing had ever been done toward its fulfillment. In March, 1882, at a special election, the voters of Clay county declared in favor of a county bond issue of ten thousand dollars to erect the buildings. This was the first systematic effort toward the establishment of what is now the University of South Dakota.

An organization known as the "Citizens Constitutional Association," called a convention, to meet at Canton, June 27, to take some action toward securing the admission of Dakota as a state. At this convention ten counties were represented, and the general expression was in favor of dividing the territory along the line of the 46th parallel, the erection of a new territory out of the northern part, and the admission of the southern portion. An executive committee of seven was appointed, and the name of the organization was changed to the "Dakota Citizens League."

The executive committee was made up as follows: Wilmot Whitfield and Joseph Ward, of Yankton county; N. C. Nash, of Lincoln; S. F. Andrews of Turner; W. C. Bowers, of Minnehaha; F. B. Foster, of Hanson and J. V. Himes, of Union.

Shortly after this a Democratic convention was held at Mitchell. W. R. Steele, of Deadwood, was nominated for delegate to congress, and a resolution favoring a division of the territory on the 46th parallel and the retention of the name of Dakota for the southern part was adopted. J. B. Raymond was nominated by the Republicans to oppose Mr. Steele. Mr. Steele, however, declined to run, and W. W. Brookings was substituted by the Democratic territorial committee. At the ensuing election the Republican candidate was successful.

As previously stated the legislature of 1881 authorized a bond issue of fifty thousand dollars for a penitentiary at Sioux Falls. Work on the building was delayed by the great floods, so that it was November 17, 1882, before the board accepted it as complete. On November 22, Governor Ordway issued a proclamation declaring the prison ready for occupancy, and notified the sheriffs of the several counties that, after the expiration of thirty days, all persons sentenced to the penitentiary should be taken to Sioux Falls. A week later the governor ordered the removal of twenty-nine prisoners from Detroit, and upon their arrival at

Sioux Falls, they were set to work on the penitentiary and grounds.

On December 21, 1882, the president ordered a reservation between Bottineau and Rolette counties, set apart for the Turtle Mountain band of Chippewa Indians. This reservation contained 720 square miles, being 24 in extent from east to west and 30 miles from north to south. Canada formed the northern boundary. The greater part of it was restored to the public domain by the executive order of March 29, 1884.

During the fifteenth session of the territorial legislature, which began January 9, 1883, and ended March 9, many bills were introduced in both branches, 160 of which became laws by executive approval or limitation. Among the most important of these were the acts creating a tax commission to look after inequalities in assessments, the sequestration of property and delinquencies; creating the office of attorney general and defining his duties; an educational bill adopting the civil township system, and the bill providing for a commission of nine members to select a new location for the capital.

On February 26, an appropriation of seventy-six thousand six hundred twenty-five dollars for the current and contingent expenses of the penitentiary was made; and an issue of thirty thousand dollars worth of bonds for permanent improvements at that institution was authorized.

The next day a bond issue of twenty-five thousand dollars was authorized for the benefit of the agricultural college at Brookings, and on March 9, the last day of the session, an act providing for an issue of fifty thousand dollars worth of bonds, for the building and equipment of an insane hospital at Jamestown was approved by the governor. On the same day five thousand dollars for a building and two thousand dollars for maintenance was voted to each of the normal schools at Madison and Spearfish. They passed other acts on the same date to establish a reform school at Plankinton, but made no appropriation for its support; a deaf and dumb asylum at Sioux Falls, for which bonds to the amount of twelve thousand dollars were afterward authorized, and an agricultural college at Fargo, conditioned upon the people's donating forty acres of land for a site.

Sargent county was created March 3, from the southern part of Ransom county; Fall River county, south of the Black Hills, was established March 6; Steele, Towner, McLean and Roberts counties, were established March 8, and Benson, Nelson, Sanborn, Jerauld and McIntosh, March 9.

The bill providing for the removal of the capital was approved March 8, and Milo W. Scott, Burleigh F. Spaulding, Alexander McKenzie, Charles H. Myers, George A. Mathews, Alexander Hughes, Henry H. DeLong, John P. Belding and M. D. Thompson were appointed commissioners to select a new location. Each member of the commission was placed under a bond of forty thousand dollars, and was to receive six dollars a day for his services, provided that the total cost of the commission should not exceed the appropriation of ten thousand dollars. Acting upon the hypothesis that rivalry among the different cities wanting the capital would secure a liberal donation, the bill provided that the commission should receive a grant of not less than 160 acres of land for a site, and one hundred thousand dollars in cash for the erection of buildings, from the city where the capital was to be located. The final report of the commission was to be made not later than July 1, 1883. On the 2nd of June the commissioners decided in favor of Bismarck, located on the Missouri river, at the crossing of the Northern Pacific railroad, the 4,000 people of that city offering a cash donation of one hundred thousand dollars and a grant of 320 acres of land.

Work was begun on the new capitol in August, and on September 5, the cornerstone was laid with appropriate ceremonies. Among the distinguished guests present were ex-President Grant, Baron Von Eisendecker, the imperial German minister, and Henry Villard, president of the Northern Pacific railroad. After the stone had been lowered to its position, Governor Ordway read the following testimonial, which was afterward presented to the German minister:

“TO HIS EXCELLENCY, PRINCE OTTO BISMARCK, CHANCELLOR
OF THE GERMAN GOVERNMENT:

“We believe that this greeting will be welcome, coming from a distant land, where so many Germans have found prosperity and happiness, and where your name is honored by all men, and from a city which bears that name, and which has become a center of commerce and civilization, and the capital of a great Territory. Proud of our city's name, we are confident that our future career will not be unworthy of your Highness, whose brilliant services in war and peace have achieved unity for the German people and greatness for the German Empire. With sentiments of profound respect we subscribe ourselves your Highness' Obedient Servants.”

This testimonial was dated at Bismarck, signed by the mayor and members of the city council of Bismarck, and by Governor Ordway. In accepting it Baron Von Eisendecker said:

"Mr. Governor: I accept this token of esteem for the German Chancellor, with gladness and pride. I am glad as the representative of him, in accepting this testimonial, and proud in having been chosen as such. I shall not fail to send the document to Prince Bismarck at once, and I will assure you that he will feel highly honored by the handsome remembrance from the city which bears his name. I can only wish for your city that you will make its name sound as well in your own land, as the name of its father sounds in ours."

Short but felicitous speeches were made by General Grant, Henry Villard, and several of his party. The following letter from Prince Bismarck was received some weeks later:

"Foreign Office, Friedrichsruh,

Oct. 27, 1883.

"In response to the address of the 5th of September last, so highly complimentary to myself, I would express my heartfelt thanks. I wish the young city, whose career I shall follow with the greatest interest, the rapid development which its fine situation, and the energy and intelligence of its citizens give reason to anticipate.

BISMARCK."

As is usual in such cases the removal of the capital caused ill feeling in some sections of the territory. Immediately following the passage of the bill, indignation meetings were held in several South Dakota cities. At all these meetings resolutions denouncing the legislature for passing and the governor for approving the act were adopted. This feeling of disapprobation reached its culmination, when, on September 11, Governor Ordway issued an order for the secretary, treasurer and auditor to remove their offices to Bismarck. The auditor complied, but the secretary and treasurer peremptorily refused. The matter was at once taken to the territorial district court, and, on September 15, Judge Edgerton decided the appointment of the commissioners illegal. Thus matters stood until the following May, when the full bench of the supreme court reversed Judge Edgerton's decision. An appeal was taken to the supreme court of the United States,

where the decision of the supreme court of the Territory was sustained, and Bismarck became the capital.

One effect of the removal of the capital was to strengthen the sentiment in favor of a division of the Territory. This was particularly true of the southern part, where those who had previously held to this view now bestirred themselves to action, and those who had been indifferent now joined the divisionists. (See Chapter on division and admission.)

The year 1884 was one of the most prosperous in the history of Dakota. The tax commission reported the value of all property in the territory to be sixty-nine millions one hundred fifty-four thousand nine hundred and nine dollars. Nearly 2,500 miles of railroad were in operation, 122 miles of which, between Fargo and Ortonville, were built during the year. The amount received in taxes from these railroads was one hundred twenty-seven thousand three hundred and thirty-six dollars. Enumerations showed that there were in the Territory 77,499 children of school age, more than 50,000 of whom attended school. The number of teachers employed was 2,911, receiving in wages three hundred ninety-four thousand seven hundred and eighty-five dollars. Altogether the cost of the common and normal schools and the university amounted to one million seven hundred forty-eight thousand five hundred and sixty-two dollars. More than 500 school townships were organized, and six hundred forty thousand dollars, in round numbers, was expended in the erection of new school houses. Gold shipments for the year amounted to four million five hundred thousand dollars, and the shipments of silver to two million dollars. And this, too, at a time when the principal silver mine was closed by litigation. Mica shipments for the year averaged about three thousand dollars a week. A steady tide of immigration was flowing into the territory, and the outlook was more hopeful than in any previous year.

A Republican convention was held at Huron April 23, to elect delegates to the Republican National convention at Chicago in June. A second Republican convention met at Pierre, September 17, and Oscar S. Gifford was nominated for delegate to congress.

The Democratic convention met at Sioux Falls and nominated John R. Wilson for delegate. Both parties declared in these conventions in favor of dividing the territory; the Republicans on the forty-sixth parallel, and the Democrats on the seventh standard parallel.

At the election, on the 4th of November, seventy-eight organized counties were recognized; 86,703 votes were cast, Gifford receiving 71,579 and Wilson 15,124.

Governor Ordway's term, for which he was appointed, expired in June, and he was succeeded by Governor Pierce.

CHAPTER V

Dakota, from 1884 to 1889

GILBERT ASHVILLE PIERCE, the eighth territorial governor of Dakota, was born at East Otto, N. Y., but moved to Indiana in 1841. About the time he had completed a two years course in the law department of the Chicago university, the Civil war broke out and he enlisted in the Federal army. He served successively as lieutenant, captain, assistant quartermaster, lieutenant colonel, colonel, and inspector and special commissioner of the war department. During this service he was at Paducah, Ky., Fort Donelson, Shiloh, Grand Gulf, and was with Grant's victorious army when it entered Vicksburg. After the war was over he served for some time at Matagorda Island, Tex., Hilton Head and Pocatoligo, S. C. Returning to his home in Indiana he was elected, in 1868, a member of the house of representatives in the legislature of that state, and soon after the adjournment of the session was appointed finance clerk of the United States senate, where he served until 1871. Upon leaving Washington he entered the field of journalism, and from 1871 to 1884, except two years during which he was editor of the *Chicago News*, was associate and managing editor of the *Chicago Inter Ocean*. In 1884 he was appointed governor of Dakota, and served until 1887, when he was succeeded by Governor Church. He continued to reside in the territory, and after the admission into the Union was elected one of the first United States senators from North Dakota. His term as senator expired in March, 1891, when he purchased a controlling interest in the *Minneapolis Tribune* and assumed the duties of editor in chief of that paper. His failing health compelled him to give up active work after a few months, and influenced by friends he accepted an appointment at the hands of President Harrison, as minister to Portugal, in the

hope that the climate of that country would prove beneficial to him. The change however brought no improvement, and after a few months he resigned and returned to the United States. He died at the Lexington hotel, in Chicago, Ill., February 15, 1900.

Several spirited county seat contests, in which much bad blood was engendered and resort to force and personal violence was had, had arisen in the territory. Among the most noticeable and important of these was the removal of the county seat from Big Stone City to Milbank, Grant county, in 1882-83. The question of the county seat had been submitted to the people at the election of 1882, and it was claimed on the part of Milbank that a majority of the votes cast was in favor of that place for county seat, which claim was denied by the citizens of Big Stone City and as they declined to give up the records, a number of citizens of Milbank, armed and organized, visited Big Stone City and undertook to take the records by force. The attempt was resisted by the citizens of Big Stone City. The governor was appealed to for assistance, and it looked for a time as though the matter might terminate in disastrous results; but it was finally taken into the courts and, after a long and expensive litigation, was determined in favor of Milbank, where the county seat has since been.

In December, 1884, a county seat contest came up in Spink county, that, for a time, threatened serious trouble. At the election in the fall, the voters decided in favor of changing the county seat from Ashton to Redfield. The records were moved from Ashton, but soon after a rumor became current that the Ashton people were forming a mob to take the records, by force if necessary, and return them to the former county seat. An injunction had been issued by the court against such a proceeding but the mayor of Redfield became alarmed and telegraphed the governor that an armed mob of five hundred people were preparing to carry out the threat. Governor Pierce asked the general commanding the department to send a company of regulars to Redfield, and ordered Colonel Tyner of his staff to notify the militia at Fargo, the governor's guards of Bismarck and the Edgerton guards at Yankton to hold themselves in readiness to go to the scene of the disturbance. He then telegraphed the mayor of Redfield asking for an exact statement of the situation, and to the mayor of Ashton requesting the people there to return to their homes and let the law take its course. After waiting for six hours, and receiving no answer from either mayor, the governor ordered the troops to Redfield. This was on the 10th of December. On the morning of the 11th the mayor of Ashton answered that, while the

people of that town were indignant over the removal of the county seat, they were not armed and would not violate the law. The governor stopped the troops en route, and again telegraphed the mayor of Redfield, informing him of the nature of the reply received from Ashton. The mayor of Redfield still insisted that the troops were necessary and they were accordingly sent on, reaching Redfield Saturday noon. On Monday morning everything was settled by order of the court, and the militia returned home.

Scarcely had this trouble been settled when a similar situation arose in Roberts county, between the towns of Travare and Wilmot, rivals for county seat honors. In this case the governor sent the adjutant-general to the scene, as a mediator, and the contest was settled through his efforts, Wilmot finally being recognized as the county seat.

By an act of congress the number of members in the territorial legislature had been doubled; the council having twenty-four members instead of twelve, and the house forty-eight instead of twenty-four. The sixteenth legislature, thus increased, was convened at Bismarck January 13, 1885, and remained in session till March 13. J. H. Westover was elected president of the council, and George Rice, speaker of the house. During the session about two hundred laws were enacted. The most important of the acts passed were those regulating primary elections; creating the office of commissioner of emigration; providing for the organizing of new counties; promoting the planting of forest trees on the prairie land of the territory, and providing for the maintenance and extension of state institutions. Bonds were authorized as follows: For the agricultural college at Brookings, twenty thousand dollars; for the deaf mute school at Sioux Falls, sixteen thousand dollars; for the insane hospital at Jamestown, sixty-three thousand dollars; for the normal school at Madison, thirteen thousand six hundred dollars; for the university at Grand Forks, twenty-four thousand dollars; for the university at Vermillion, fifteen thousand dollars; for the school of mines at Rapid City, ten thousand dollars. The last named institution was established by this session, and the bond issue for its benefit was made contingent upon the people of Rapid City donating not less than five acres of ground, in or adjoining the city, for a location.

Eddy county was created, March 9, from Foster county, and Carrington was named as the county seat of the latter. On March 12, Oliver county was created from a part of Mercer county, and Henry Sawyer, H. E. Fisher and Lewis Connolly

were named as the first commissioners. Ward and Marshall counties were also established at this session.

On February 27, the president issued a proclamation throwing open to settlement the Crow Creek and Winnebago reservations, lying along the east bank of the Missouri, in parts of Hughes, Hyde, Hand, Buffalo and Brule counties. The Indian reservations in Dakota were fast becoming a source of annoyance, both to the settlers adjoining them and to the government. The Sioux reservation contained at this time about thirty-four thousand square miles, and it was being found out that an Indian cannot be civilized while he has such a wide range. Outside of the Sisseton Indians, little progress toward civilization had been made by any of the tribes in Dakota. During the year 1884 the 1,453 Indians on the Sisseton reservation raised 40,000 bushels of wheat and 30,000 bushels of oats and barley. These Indians were self-supporting; they lived in fairly good houses, and, of the 300 unmarried persons of school age, 215 were in school.

By the same congress that increased the membership of the legislature, two more judges, to be appointed by the president, were allotted to the territory. The supreme court in 1885, after the taking effect of this act, was as follows: Chief justice, Bartlett Tripp, who succeeded Alonzo P. Edgerton; associate justices, C. S. Palmer, W. H. Francis, William E. Church, William B. McConnell and Louis K. Church, Judges Louis K. Church and C. S. Palmer being appointed to the new districts established by congress.

The first territorial fair in Dakota was held at Huron in the fall of this year. It was a marked success, the displays of farm products, fruits, poultry and live stock being very creditable, and offering a great stimulus to stock raising, etc. The close of the year 1884 saw one hundred ninety-five banks in operation, with a combined capital of four million five hundred fourteen thousand dollars and a surplus of five hundred ninety-two thousand dollars. During the year railroads were completed from Jamestown, on the Northern Pacific, to Minnewaukon on the north, from the same point south to LaMoure, and a line from Yankton to Center-ville.

The first report of the commissioner of immigration made its appearance in 1886. In this report the commissioner estimated the lands taken up for settlement, during the year ending June 30, at 4,000,000 acres, and the increase in population at 85,000. The total population of the territory was estimated at 500,000; the increase in the value of taxable property during the year, at

twenty-four million dollars; 551 miles of railroad were built, bringing the total mileage up to 3,897 miles.

On September 22, 1886, a Republican convention was held at Yankton and Oscar S. Gifford was again nominated for delegate to congress. A week later the Democratic convention met at Aberdeen and nominated M. H. Day. At both these conventions resolutions favoring a division of the territory were adopted. At the election 104,811 votes were polled; 39,046 north of the seventh parallel, and 65,765 south of it. Gifford was re-elected delegate.

In December, 1886, President Cleveland appointed Judge Church, of the territorial supreme court, governor of the territory, and early in the succeeding year he was installed into the office. Michael L. McCormack was appointed secretary.

Louis Kossuth Church was born at Brooklyn, N. Y., December 11, 1846. He was the son of Rodney F. Church, and a grandson of Capt. Samuel Church of the continental army. His great grandfather, Timothy C. Church was also in the continental army, with the rank of colonel. Governor Church was educated in the public schools of Brooklyn, and the Hudson River Institute of Claverock, N. Y. At the age of twenty-two he was admitted to the bar, and by energy and a close application to business soon succeeded in building up a lucrative practice. For three successive terms, 1883-84-85, he was elected a member of the New York legislature. In 1885 he declined a nomination for a fourth term, as well as a nomination for state senator. He was appointed associate justice of the supreme court of Dakota, by President Cleveland, in November, 1885, and in December the following year was appointed governor, to succeed Governor Pierce. When he was appointed to the territorial supreme bench in 1885, he took up his residence at Huron, where he lived until he became governor and to which he returned after he retired from the governor's office in 1889. In 1890 he removed to Seattle, Wash., and again engaged in the practice of law. He died at Juneau, Alaska, November 23, 1897.

On January 11, 1887, the seventeenth legislature was convened at Bismarck. George A. Mathews was chosen president of the council, and George G. Crose speaker of the house. At the close of the session, in March, the bonded indebtedness of the territory was one million ninety-eight thousand eight hundred dollars, nearly one-half of which (five hundred thirty thousand one hundred dollars) was authorized by this legislature for improvements and additions to educational, penal and benevolent institutions. The bonds were distributed as follows: Agricultural college,

Brookings, fifty-four thousand five hundred dollars; deaf mute school, Sioux Falls, twenty-three thousand dollars; insane hospital, Jamestown, one hundred fifty-three thousand dollars; insane hospital, Yankton, ninety-two thousand five hundred dollars; normal school, Spearfish, twenty-five thousand dollars; normal school, Madison, thirty-five thousand eight hundred dollars; penitentiary, Sioux Falls, fourteen thousand three hundred dollars; school of mines, Rapid City, twenty-three thousand dollars; reform school, Plankinton, thirty thousand dollars; university at Vermillion, thirty thousand dollars; university at Grand Forks, twenty thousand dollars.

A new capitol commission to have charge of the building and grounds at Bismarck was created. The capitol without the north and south wings, as originally planned, had been accepted, and even then the territory had to assume about seventy thousand dollars of unpaid bills. Authority was given to the commission of 1887 to sell lots from the three hundred and twenty acres donated by the people of Bismarck, until enough was realized to liquidate this outstanding indebtedness.

This legislature passed acts providing for a well commissioner in each county, and for drilling artesian wells at public expense; protecting the use of irrigating ditches; permitting cities and municipal corporations to issue bonds for school houses and public buildings; creating the office of county auditor, and providing for paid fire departments in towns and cities. Pierce and Church counties, named in honor of the two latest territorial governors, were created by legislative enactment, March 11, and Pierce county was organized the same day.

On May 30 bids for the sale of bonds authorized by the legislature were opened. It was found that the best bid offered a premium of about one-half of one per cent. Five sixths of the bonds to be sold had four and a half per cent interest, and the remainder five per cent. This was the first time in the history of the country that a territorial bond bearing less than five per cent sold at a premium.

By the proclamation of President Arthur, February 27, 1885, the Crow Creek and Winnebago reservation was restored to the public domain, and opened to settlement. A large number of white settlers went into the reservation and established homes. Early in 1887 President Cleveland, acting upon the advice of the attorney general, revoked the order, and the settlers were ordered to vacate. This order wrought a great hardship on many innocent settlers, and a large number refused to leave the fruits of

their two years' labor until they were driven out by the military. General sympathy was awakened for these unfortunates, and the question of Indian reservations was brought to the front. The great Sioux reservation, between the Missouri river and the Black Hills contained more than twenty-two million acres; nearly nine hundred acres for every man, woman and child in the allied tribes. Upon the assembling of congress, in December, 1887, petitions and memorials were presented from the people of Dakota, praying for a breaking up of the great reservation, or, at least a settlement of the question in some way that would protect the homes of the settlers. In response to these requests, congress passed an act on the 30th of April, 1888, providing for the purchase of more than ten million acres, by the government, at fifty cents an acre, and the remainder of the great reservation to be divided into several smaller reservations. A commission was created to secure the assent of the Indians, and the president appointed R. H. Pratt, Judge Wright and William Cleveland as the commissioners. All through the months of August, September and October this commission held councils with the various tribes at the agencies, but accomplished nothing. A majority of the Indians wanted one dollar and twenty-five cents an acre. By the terms of the act the consent of three-fourths of each tribe was necessary to make it effective. The commissioners found it impossible to secure the consent of anything like this number, so the act became inoperative. Some of the Sioux chiefs were taken to Washington, where a number of conferences were held with the secretary of the interior, but no agreement was reached.

Meantime the agitation was kept up by the people of Dakota, so that congress passed another act, approved on the 2nd of March, 1889, providing for a second commission. On this commission the president appointed ex-Gov. Charles A. Foster, of Ohio, Hon. William Warner, of Missouri, and Gen. George A. Cook. They reached the reservation in June, and, after nearly three months, were successful in obtaining the consent of the necessary three-fourths of the Indians to break up the reservation. By the treaty entered into with the commissioners, the Indians were to receive one dollar and twenty-five cents an acre for all the land sold to actual settlers during the first three years after the taking effect of the act; seventy-five cents an acre for the next two years, and fifty cents an acre thereafter.

About eleven million acres were opened to settlers, west of the Missouri river, in the counties of Hettinger, Martin, Wagner,

Choteau, Rinehart, Delano, Scobey, Sterling, Ziebach, Nowlin, Jackson, Stanley, Pratt and Presho.

By the same act the residue of the reservation was divided into six smaller reserves, and an agency was established for each. The Rosebud Sioux occupied all between the White river and the Nebraska state line, east of the one hundred first meridian to the Missouri river, except the military reservation of Fort Randall. Directly west of the Rosebud reservation lay that of the Pine Ridge Sioux, extending west to the one hundred third meridian, north on this meridian to the south fork of the Big Cheyenne, east to White river, and down White river to the one hundred first meridian.

The Standing Rock Sioux were given a reservation lying west of the Missouri and south of the Cannon Ball river. The southern boundary was formed by a line beginning at the Missouri river, at a point ten miles north of the Moreau or Owl river, and running due west to the one hundred second meridian, which formed the western boundary. South of this reservation, extending to the Cheyenne river, and from the one hundred second meridian east to the Missouri river, were the Cheyenne River Sioux.

North of Presho county, west of the Missouri a small reservation was set apart for the Lower Brules, and on the east side of the Missouri, directly opposite, was the reservation of the Crow Creek Sioux. By a proclamation, February 10, 1890, the president declared the reservation broken up and the lands ceded by the treaty of 1889 opened to settlers. The reservations, as established by the provisions of this act, remain practically as they were set out in 1889.

With the revenue derived from the sale of bonds, two new wings were added to the insane hospital at Yankton, in 1888. While the work was in progress, charges of irregularity were made against the trustees of the asylum. Governor Church, in September, suspended from their duties a majority of the board, pending an investigation by the public examiner, and on the 2nd of November, after the investigation was completed, removed the suspended members for official misconduct and neglect of duty. Then the remainder of the board resigned, but the governor appointed a new board of five members and the work, which had been delayed by the investigation of the trustees, was pushed rapidly forward. The old board sought redress in legal action, but the courts sustained the governor.

A Republican convention met at Watertown, August 23, 1888, to nominate a candidate for delegate to congress. This convention was in session three days before a nomination was made. On the seventeenth ballot, George A. Mathews was nominated over Oscar S. Gifford. The platform adopted by this convention was a severe arraignment of Governor Church, charging him with prostituting the office to gratify personal ambitions; that he encouraged large and foolish appropriations; that his appointees were his personal retainers who lacked fitness for the positions they occupied, and that the governor maintained a perfect indifference to the wants of the people whom he ruled.

Up to the year 1885 party lines had never been very closely drawn in Dakota. Party names were there, and candidates were known as Republican and Democratic, but, for all that, party organizations were loosely constructed. Local interests were placed above party considerations in territorial legislation, and it was no uncommon thing to find legislators of both parties leagued together to secure some institution for their part of the territory. With the inauguration of President Cleveland, party lines became more sharply defined, and political contests were conducted according to partisan methods. Governor Church was the first Democratic governor of Dakota. Being a partisan it was natural that, in the administration of territorial affairs, he should seek to secure some advantage for his party. To this cause is probably due much of the censure bestowed upon him by the Republican platform of 1888.

Two Democratic conventions were held this year, and two candidates for delegate were nominated. The first of these was at Jamestown, July 11, where J. W. Harden was named as the congressional candidate, and the second at Grand Forks, September 21, which nominated W. R. Bierly.

The presence of two Democratic candidates in this campaign was the outgrowth of a factional fight, one faction being led by Governor Church and the other by M. H. Day. The first open hostilities between these two factions occurred at the convention at Watertown, in May, to select delegates to the national convention. The Day adherents were in a minority and refused to join with the followers of the governor. They held a convention of their own, selected delegates to the national convention, and appointed a committee to collect evidence upon which to impeach Governor Church. When the national convention met, the Day delegates were refused recognition, and this led to the Grand Forks convention and the nomination of Bierly. At the ensuing

election Mathews received 70,215 votes, Harden, 40,846 and Bierly, 1,753.

The eighteenth, and last, territorial legislature of Dakota met at Bismarck January 8, 1889, and adjourned *sine die* March 9. Smith Skimmel was elected president of the council, and Hosmer H. Keith, speaker of the house. One of the first acts passed was to provide for an election, to select delegates to a convention at Grafton, on the second Tuesday in May, to frame a constitution for North Dakota. The act was rendered inoperative by the passage of the enabling act by congress, February 22.

In June, 1887, the university buildings at Grand Forks, were destroyed by a storm. The people of that section of the state raised a fund by private effort, and rebuilt the university. The legislature of 1889 passed a bill authorizing a bond issue of twenty-two thousand seven hundred dollars to reimburse the citizens of Grand Forks for the advances thus made. Bonds to the amount of forty-five thousand dollars for the purpose of building and furnishing a soldiers' home at Hot Springs were also authorized. They passed acts accepting and legalizing the "Code of Compiled Laws of 1887;" authorizing towns and cities to aid in the construction of railroads; prescribing qualifications for voters, the requirements being fixed by this act at one year in the United States, six months in the territory, three months in the county, and thirty days in the precinct; limiting the legal rate of interest to twelve per cent, and providing for the construction of artesian wells, and irrigating ditches from the same, the cost to be paid by abutting property.

Early in the session committees were appointed to investigate the conduct and expenditures of the boards of trustees of each of the two insane hospitals, the reform school, and the Bismarck penitentiary. These committees ascertained, that the per diem and mileage of the reform school board for the preceding year amounted to five thousand five hundred and eight dollars, of the Bismarck penitentiary six thousand nine hundred and thirty-six dollars and of all the boards included in the investigation thirty thousand and seventy-seven dollars. The committees of investigation reported that no actual frauds had been disclosed, but that the trustees of the institutions had been guilty of reckless extravagance, and recommended the passage of a bill to protect the territory from such prodigality in the future. As the members of the boards and other officials investigated had all been appointed by Governor Church, he took umbrage at the reports of the committees and relations between him and the legislature became some-

what strained. Of the one hundred twenty laws passed during the session, thirty-five were passed over the governor's veto, and a number became laws by limitation, without the executive approval. Among the bills vetoed were the soldiers' home bill and the general appropriation bill. A new tenure of office bill providing that the terms of all appointees should expire ten days after the governor making the appointment went out of office, or until their successors might be appointed, was passed. A memorial to President-elect Harrison, referring to the governor as dictatorial, undignified and extravagant, failed to pass; but, as soon as General Harrison was inaugurated, a majority of the legislature (forty-five out of the seventy-two) joined in sending a telegram to the new president, asking for the immediate removal of Governor Church. Before any action could be taken by the president, the legislature adjourned.

Immediately after the adjournment of the assembly, Governor Church proceeded to make appointments to all the territorial offices, appointing the same men that had been rejected by the legislature while it was in session. Notwithstanding the tenure of office bill, which he had approved, Governor Church issued commissions to his appointees for two years. The secretary of state refused to sign and seal these commissions, and while affairs were in this shape Governor Church was removed by President Harrison, and A. C. Mellette was appointed in his stead.

Arthur C. Mellette, the last territorial governor of Dakota, was of German-French extraction. His father was a Virginia farmer until the year 1830, when he emigrated to Indiana, settling in Henry county. Here Arthur was born in June, 1842. Indiana, at that time, was a comparatively new country. As yet not a mile of railroad had been built within its borders. The population was sparse, and opportunities were limited. Making the most of such opportunities as came his way, young Mellette worked on his father's farm, and attended the district school in the little log school house during the winter months, until he was eighteen years of age. In the fall of 1860 he entered the Indiana University at Bloomington, took the classical course and was graduated in June, 1864. Upon leaving college he enlisted as a private in Co. H, Ninth Indiana infantry, and served till the close of the war. When the war was over he returned to the university—this time to the law department where he took the regular course and, upon his graduation, was admitted to the bar. In 1868 he was elected prosecuting attorney for Delaware county, Ind., and

in 1870 was chosen a member of the house of representatives in the Indiana legislature. For some time after this he was engaged in editing the *Muncie Times*, the leading Republican paper of Delaware county. In 1878 he decided to go west, and that summer located at Springfield, Dak. Soon after taking up his residence in the territory he was appointed register of the general land office. Two years later he removed to Watertown. He was a member of the provisional constitutional convention in 1883, from Codington county, and was elected provisional governor in 1885. Congress failed to authorize the admission of Dakota at that time, hence he did not enter upon the duties of the office. At the general request of the leading citizens of Dakota, he was appointed governor by President Harrison, to whom he was a personal and political friend, and after the division of the territory was elected governor of South Dakota in 1889, and re-elected at the general election in 1890. Luther B. Richardson was appointed to succeed M. L. McCormack as secretary, and an entirely new set of territorial officers followed. J. M. Bailey, Jr., was appointed treasurer; J. C. McManima, auditor; Johnson Nickens, attorney general; Leonard A. Rose, superintendent of public instruction; Frank H. Hagerty, commissioner of immigration; Judson La Moure, H. J. Rice and J. H. King, railroad commissioners.

The supreme court consisted of Bartlett Tripp, chief justice, Charles M. Thomas, Roderick Rose, William B. McConnell, John E. Carland, James Spencer, and Louis W. Crofoot. Judge Carland resigned in March, and Frank R. Aiken was appointed to fill the vacancy. These judges remained in office until the fall of 1889, when Dakota was admitted into the Union as two separate states, and the long cherished hopes of the people were at last realized.

CHAPTER VI

Dakota Territory, Division and Admission

FREQUENT mention of attempts to secure the division of the territory of Dakota and admission into the Union as two separate states has been made in the preceding pages. But no general interest was fully aroused in the matter until 1883. To briefly recapitulate the efforts prior to that year: In 1871 a memorial to congress asking for a division on the forty-sixth parallel, passed the territorial legislature unanimously. Similar memorials with four negative votes passed in 1872; in 1874 another with one negative passed; in 1877 another was unanimous; in 1879 a protest against the admission of Dakota as one state was passed; in 1881, a memorial praying for division into three states was adopted; in the winter of 1881-82, more than a hundred citizens of South Dakota went to Washington to urge congress to pass a law dividing the territory and admitting the southern part as a state. These citizens succeeded in having bills favorably reported to both branches of congress, but that was the extent of their success.

Connected with this first attempt to secure the admission of South Dakota, is an event which happened ten years before, but which played an important part in the struggle for statehood. In 1872 the great need of Southeastern Dakota was improved means of transportation. There was no legal way by which counties or municipalities could extend aid to railroads. To remedy this situation a special session of the legislature was called in April, and an act to enable organized counties to vote aid to any railroad and to provide means of payment for the same was passed and approved on the 21st of that month. A petition asking that aid be given a railroad company, known as the Dakota Southern, to extend its line from Sioux City to Yankton was soon

afterward filed with the commissioners of Yankton county. A special election was ordered held September 2, 1871, and the voters of Yankton county carried the proposition to issue two hundred thousand dollars worth of twenty-year bonds, bearing eight per cent interest per annum, payable semi-annually, to aid in the construction of the road.

The legality of these bonds being questioned, congress passed an act, May 27, 1872, for the purpose of making the Dakota Southern Railroad Company a legal corporation, and in this act it was provided that the railroad company should issue, to any county voting aid to the railroad, paid up certificates of stock to the amount of the aid voted by said county. The bonds authorized by the voters of Yankton county, were duly executed in July, 1872, and the proceeds were turned over to the railroad company, the commissioners receiving stock certificates to the amount of two hundred thousand dollars in return. One of the tax payers of Yankton county brought suit to enjoin the commissioners from levying a tax to pay the interest on the bonds. The territorial supreme court, in deciding this case, held that the special session of the legislature, in the spring of 1871, was illegal, because the organic act, erecting the Territory of Dakota, provided that the legislature should meet biennially and that no session should last more than forty days. The regular session had adjourned, January 13, 1871, after having been in session forty days, and no legal session could be held for two years. It was also held by the court that the two hundred thousand dollars voted by Yankton county was a free donation, and that the issue of stock certificates was not in harmony with the will and intent of the electors. This decision was rendered at the December term in 1875, by Judge Bennett, with Judge Barnes concurring and Chief Justice Shannon dissenting.

Again in October, 1880, the question came before the court—this time in a suit brought by the First National bank of Brunswick, Me., against the commissioners of Yankton county, to enforce the payment of two or three installments of interest that had been defaulted. Finally the case was taken to the supreme court of the United States, where it was decided the bonds were binding on the county, inasmuch as the act of congress of May 27, 1872, was equivalent to a direct grant of power to issue them. Regarding these bonds Governor Ordway, in his report to the secretary of the interior, in 1881, said:

"The members of one of the early legislative assemblies were called together in direct violation of law, and aided to load upon

the people of Yankton county two hundred thousand dollars of ten per cent bonds for the construction of a railroad which would soon have been built without any subsidy; and to this debt is added the accumulated defaulted interest, thus entailing upon one of the most populous counties an unjust debt of nearly three hundred thousand dollars."

While the bills providing for a division of the Territory were pending in congress during the winter of 1881-82, the bank at Brunswick, Me., prepared an elaborate protest against the admission of South Dakota, and placed it in the hands of Senator Hale, of Maine, who introduced it in the United States senate, March 21, 1882, and gave notice that when the bill for the admission of Dakota came up, he would offer an amendment postponing admission until the county of Yankton purged itself of the charge of repudiation. In the meantime the *Dakota Herald*, of Yankton, contained the following article, bearing on the subject:

"There are a good many strong hints to sundry people in Yankton county, in the following telegram, started in Chicago, and sent all over the country Wednesday. There is nothing to deny in the dispatch, and there is no occasion for comment in regard to it." The telegram referred to was as follows: "Chicago, Feb. 8, (1882). Some holders of bonds of Yankton county, Dak., have prepared a protest against the admission of Dakota as a state, which will be forwarded shortly to Washington. The allegations therein contained, if true, show a remarkably bad record for the citizens of that county. It is set up that in 1872 the county issued two hundred thousand dollars in bonds to aid the Dakota Southern railroad, under the act of Congress; that these bonds are widely distributed; that under the lead of some of the men now pushing on the matter of admission at Washington, the county stopped the interest upon these bonds and tried to repudiate them, but after several years litigation the United States Supreme Court, in May, 1880, decided that they must be paid. Since then, by various disreputable expedients, aided by the Territorial legislature, they have, the bond-holders assert, avoided payment of the interest, which now amounts to one hundred fifty thousand dollars. One expedient was a law permitting county commissioners to resign immediately by filing a paper. By so resigning the commissioners escaped service last summer, and when the affairs of the county demanded some attention new commissioners were appointed on Monday morning, who met secretly, transacted some business, and resigned before daylight to avoid process. That this trick was approved by the voters, who

re-elected them, but they feared to qualify. Finally two of them did qualify, secretly transacted some business, and then resigned, leaving the bonds in *statu quo*. In view of this condition of affairs, the bondholders will protest that Dakota is not fit for self-government, and that the federal power which authorized the bonds should protect the holders, and not encourage repudiation."

This article, which went the rounds of the press, embodies the statements as set forth in the protest, introduced by Senator Hale. The protest was a voluminous document, and it is quite certain that it wielded considerable influence to prevent the passage of the bills providing for the admission of the Dakotas.

Thus matters rested until the meeting of the Dakota legislature in 1883. In his message to that legislature, Governor Ordway, in referring to the subject, said:

"The failure of the officers of Yankton county to meet the requirements of two hundred thousand dollars of bonds issued to aid in the construction of a railroad, has caused severe criticism and unfavorable comment during the discussion of the bills for the admission and division of the Territory. . . . The people of Yankton county, previous to the last election, inaugurated a movement to refund or liquidate these outstanding bonds, bearing a high rate of interest, by the issuance, under congressional authority, of a well guarded low rate of interest bond which the revenues of the county could meet as the interest and principal should fall due."

Toward the close of the legislative session of 1883, a bill to enable the people of South Dakota to call a convention and form a constitution was passed almost unanimously. For the reason that the expense was to be paid out of the public funds, the bill was withheld by the governor, and prevented from becoming operative. Although he was in sympathy with the movement, and would not openly veto the measure, he argued that, as the southern part of the territory was to be the beneficiary of the bill, that portion of the territory should pay the expenses of the convention.

The governor was severely criticised for his action in withholding the bill, though from his point of view he was unquestionably in the right. The failure of the bill had the effect of inciting the advocates of division to greater exertion. Added to this was the bill authorizing the removal of the capital, and the general impression that the new capital was likely to be located north of the 46th parallel.

In this exigency the Dakota Citizens League came to the res-

cue. When the convention at Canton adjourned, in June, 1882, it was to meet at Huron when called by the executive committee. The committee got together in the latter part of March, 1883, and issued a call for a convention to meet at Huron, on the 19th of June, "for the purpose of determining upon the advisability of calling a constitutional convention." This call met with general approbation. Meetings were held all over the Territory to select delegates to the Huron convention: The people of Huron went to work and erected a wigwam especially for the accommodation of the sessions of this convention. On Tuesday, June 19, the convention assembled in this wigwam. There were 188 delegates from 34 counties, as follows:

Aurora—S. L. Baker, L. S. Cull, E. W. Robey, J. C. Ryan, E. H. McIntosh.

Beadle—Karl Gerner, S. A. Armstrong, John Blair, Fred Grant, John Cain, A. B. Melville, L. S. Hazen, S. C. Nash, E. A. Morse, J. W. Shannon.

Brown—N. T. Hauser, M. J. Gordon, S. H. Junper, John J. Drake, W. B. McShesney, E. A. Bowers, A. O. Titus, W. Winters.

Brookings—H. H. Natwick, C. A. Kelsey, Geo. A. Mathews, C. H. Stearns, L. P. McClarren, Page Downing, S. G. Mayland, H. P. Finegan, D. J. Darrow, S. W. Lockwood, Charles Davis, E. E. Gaylord, C. W. Williams, J. O'B. Scobey, Frank Adams, Ole Knudtson.

Buffalo—E. A. Herman.

Brule—A. G. Kellam, John H. King, F. M. Goodykoontz, D. Warner, L. W. Lewis, Charles Cotton, S. W. Duncan, E. J. Wells.

Bon Homme—M. H. Day, F. M. Ziebach, Robert Dollard, C. T. McCoy, John L. Turner, Joseph Zitka, F. A. Morgan, T. O. Bogart, C. T. Campbell, Peter Byrne, John Todd, J. H. Stevens, C. S. Rowe, Robert Kirke, O. Richmond, Frank Trumbo, John C. Memmner, J. C. Klemme.

Campbell—S. S. Bassett.

Clark—S. H. Elrod, S. J. Conklin, E. F. Conklin, Don R. Frazier.

Clay—E. B. Dawson, C. G. Shaw, J. Kimball, A. L. Newton, J. E. White, H. Newton, John R. Whiteside, C. E. Prentis, Ben Collar, Jared Runyan, A. H. Lathrop, G. S. Agersborg.

Codington—H. R. Pease, L. D. Lyons, D. C. Thomas, E. M. Dennis, E. D. Wheelock, T. A. Kingsbury, A. D. Chase, Oscar

Kemp, O. E. Dewey, Wm. M. Pierce, Geo. A. Edes, C. C. Wiley, L. D. F. Poore, W. O. Frazer, W. H. Donaldson.

Davison—H. C. Green, S. D. Cook, S. F. Goodykoontz, J. D. Fegan, S. W. Rathbun, R. F. Allerton, John Pease, E. S. Johnson, George S. Bidwell, John Foster, Douglas Leffingwell, W. H. Blackman.

Day—E. R. Ruggles, M. Moulton, O. A. James, B. F. Stringham.

Douglas—W. E. Tipton, George H. Woolman, J. J. Devy, F. E. Lawrence.

Faulk—J. H. DeVoe, J. A. Pickler, L. VanHorne.

Grant—A. B. Smedley, A. Wardall, J. W. Bell, A. J. Blesser, P. E. Skaken, A. H. Lewis, Wm. M. Ecans, S. S. Lockhart, O. J. Scheile, J. B. Whitcomb, John Buzzell, A. H. Nash, J. R. Eastman, J. C. Drake, A. C. Dodge, J. C. Knapp.

Hand—W. H. Kephart, B. F. Payne, R. T. Smith, E. S. Voorhies, C. E. Cort, C. O. Hutson, G. W. Livingstone, C. A. Wheelock, S. L. Sage.

Hanson—W. S. Arnold, L. P. Chapman, A. J. Parshall, F. B. Foster.

Hughes—H. J. Campbell, C. D. Mead, W. S. Wells, H. R. Horner, V. E. Prentice, C. W. Richardson, Wm. Stough, H. E. Dewey.

Hutchinson—A. Sheridan Jones, L. L. Eisenman, Henry Heill, David Ballou, Karl Winter, S. M. Daboll, John Schamber.

Hyde—M. G. Sinon, E. O. Parker, L. E. Whitcher.

Kingsbury—P. Lawrence, Thomas H. Ruth, Thos. Reed, J. E. Risendorph, I. A. Keith, M. A. Brown, A. Whiting, J. A. Owen, D. C. Kline, L. F. Dow, J. C. Gipson, J. J. Sweet.

Lawrence—G. C. Moody, B. G. Caulfield, S. P. Romans, Porter C. Warner, W. L. Hamilton, S. B. Smith, A. J. Knight, G. G. Bennett, W. H. Parker, W. R. Steel, D. Corson, A. J. Harding, John R. Wilson, C. F. Tracy, W. H. Riley, M. H. Gregg, T. E. Harvey, H. O. Anderson, D. K. Dickinson, W. J. Larimer, Dolph Edwards, J. O. Gunsully, Geo. F. Robinson, J. W. Garland, John H. Davey, Thomas Hartlan, John C. Ryan, Joseph Ramsdell.

Lincoln—L. Hensley, A. Boynton, J. W. Taylor, E. B. Peterson, B. C. Jacobs, A. R. Wheelock, W. K. State, Lars Hilme, Robert Pierce, Elling Opsal, Thomas Wright, O. D. Hinkley, Wm. Bradshaw, A. P. Dizon, George Conklin, Wm. M. Cuppett.

McCook—J. E. Rutan, J. T. McKee, J. M. Bayard, E. Thomas, E. H. Wilson, John F. Norton, D. S. Pond, H. G. Miller.

Miner—S. H. Bronson, Mark Harris, G. A. Martin, J. P. Ryan, M. A. Moore, H. Weddy, F. Britain, W. G. James.

Minnehaha—R. F. Pettigrew, E. W. Caldwell, C. W. Hubbard, J. Schaetzel, Jr., Melvin Grigsby, J. R. Jackson, John Langness, W. W. Brookings, C. H. Winsor, T. H. Brown, D. R. Bailey, B. F. Campbell, G. A. Uline, S. Wilkinson, D. S. Glidden, C. E. McKinney, A. C. Phillips, T. S. Free, W. A. Wilkes.

Moody—H. M. Williamson, A. G. Bernard, Wm. Ramsdell, T. E. Carter, Roger Brennan, L. W. Sherman, F. E. Whalem, N. Vance, C. D. Pratt, John Hobart, A. P. Allen, Phil Clark.

Potter—O. L. Mann.

Sanborn—C. H. VanTassel, H. E. Mayhew, N. B. Reed, Wm. McFarland, Geo. Lawrence, W. F. Kenfield, F. W. Thaxter, O. H. Jones.

Spink—E. C. Marriner, C. H. Seely, C. N. Keith, M. Moriarty, F. W. Rogers, J. H. Allen, J. J. Cushing, C. H. Reedan, R. B. Hassell, E. W. Foster, J. M. Miles, C. D. Friberg, C. T. Howard, E. B. Korns.

Sully—J. A. Meloon, J. M. Moore, B. P. Hooven.

Turner—L. Newell, J. B. Currens, J. A. Hand, J. P. Coffman, A. T. Cathcart, G. W. Perry, Rev. Mr. Harmaling, Rev. Mr. Warnshuis, Jackson Davis, G. L. Douglass, Joel Fry, N. Tychsen, J. B. Beebe, T. H. Judson, S. F. Andrews, Mr. Parr.

Union—J. V. Himes, C. F. Mallahan, Halvor Knudson, C. H. Walworth, Geo. B. Freeman, J. C. Cittel, Geo. Ells, Jesse Akin, N. A. Kirk, Henry Kiplinger, Joseph Yerter, M. W. Sheafe, Adam Scott, Howard Mosier, J. G. Merrill, Thomas Roman.

Yankton—Bartlett Tripp, Joseph Ward, Geo. Brown, C. J. B. Harris, G. W. Kingsbury, John R. Gamble, Wilmot Whitfield, Newton Edmunds, J. R. Hanson, Fred Schnauber, Maris Taylor, E. Miner, Geo. H. Hand, I. E. West, S. A. Boyles, S. H. Gruber.

Wilmot Whitfield of Yankton, chairman of the executive committee of the Dakota Citizens League, called the meeting to order. Prayer was offered by Reverend Doctor Hoyt, after which the convention was regularly organized. B. G. Caulfield of Lawrence county was temporary and afterward permanent chairman, and Philip Lawrence of Kingsbury county, secretary.

The work of the convention consisted in the adoption of a resolution favoring a division of the Territory; the issuance of an address to the people; the selection of an executive committee of thirty-six members, with ex-Governor Newton Edmunds as chairman, and calling a second convention to meet at Sioux

Falls, Tuesday, September 4, 1883, to form a state constitution, preparatory to admission into the Union. A committee of forty-five, with Bartlett Tripp as chairman, was appointed to draw up a memorial to congress. This committee prepared a strong array of reasons for division and admission, which paper was presented to congress the following winter, and so concisely and logically were the claims of Dakota to statehood set forth in this memorial, that it was again laid before the first session of the 38th congress in 1886.

One of the most enthusiastic advocates of division was Hugh J. Campbell, United States attorney for Dakota. He issued a pamphlet on "How to Form the State of Dakota," in which he favored independent action. At the meeting at Yankton, July 21, 1883, to select delegates to the Sioux Falls convention, he offered the following resolution, which was unanimously adopted:

"Resolved, That it is the sense of the people of Yankton county, and we so advise to delegates today nominated, that it is the unquestioned and lawful right of the people of Dakota, south of the 46th parallel, to at once establish for themselves a state constitution and a state government, and that we recommend the constitutional convention at Sioux Falls to submit to the people for election, at the same time that the constitution is submitted, a full list of officers for a complete state government, a state legislature, and a representative in Congress."

Ex-Chief Justice Shannon and others counseled moderation, but the unanimity with which the resolution was adopted was indicative of the humor of the divisionists.

In pursuance of the call issued by the Huron convention, the first constitutional convention of South Dakota met at Sioux Falls on the 4th of September. John R. Gamble of Yankton, acting for ex-Governor Edmunds, called the convention to order, and upon a roll call of the delegates the following responded:

Aurora—S. L. Baker, T. C. Kennelly, Frank P. Baum.

Beadle—A. B. Melville, C. J. Shefler, Charles Reed, George F. Lane.

Bon Homme—C. T. McCoy, John L. Turner, Robert Dollard, F. M. Ziebach.

Brookings—G. S. Clevenger, B. J. Kelsey, A. S. Mitchell, T. R. Qualey.

Brown—M. J. Gordon, W. C. Houghton.

Brule—A. G. Kellam, S. W. Duncan, G. E. Schwindt.

Buffalo—E. A. Herman.

Charles Mix—A. B. Lucas.

Clark—S. J. Elrod, C. G. Sherwood.

Clay—J. P. Kidder, J. R. Whiteside, J. Kimball, E. B. Dawson.

Codington—A. C. Mellette, Wm. Pierce, E. D. Wheelock, R. B. Spicer.

Davison—A. W. Hager, A. J. Waterhouse, John C. Tatman, John M. Pease.

Day—E. R. Ruggles, M. M. Moulton.

Deuel—P. A. Gatchell, H. B. Monaghan.

Douglas—J. F. Callahan.

Edmunds—H. A. Day.

Faulk—P. E. Knox.

Grant—J. C. Elliott, N. I. Lothian, W. T. Burman, B. P. Murphy.

Hamlin—John Hayes, J. P. Cheever.

Hand—B. R. Howell, Chas. E. Cort, Henry Miller, W. N. Brayton.

Hanson—Frank B. Foster, L. P. Chapman, H. W. Peek.

Hughes—W. A. Lichtenwallner.

Hutchinson—A. Sheridan Jones, Karl Winter, S. M. Daboll, Mathies Schlimgen.

Hyde—Eli Johnson.

Jerauld—C. W. McDonald.

Kingsbury—Philip Lawrence, John B. Smith, Knute Lewis, Chas. B. McDonald.

Lake—M. W. Daley, R. A. Murray, R. Wentworth.

Lawrence—G. C. Moody, B. G. Caulfield, Porter Warner, Dolph Edwards.

Lincoln—O. S. Gifford, A. Boynton, A. B. Wheelock, J. W. Taylor, J. B. Conklin, M. E. Rudolph, A. Sherman.

McCook—J. E. Rutan, W. S. Brooks.

Miner—S. H. Bronson, M. W. White, Geo. R. Farmer.

Minnehaha—R. F. Pettigrew, Melvin Grigsby, John Bippus, B. F. Campbell, W. W. Brookings, W. C. Lovering, Albion Thorne, G. C. Banister.

Moody—H. M. Williamson, C. S. Wellman, A. P. Allen, J. E. Whalen.

Pennington—R. C. Lake, C. L. Wood.

Sanborn—Alonzo Converse.

Spink—E. W. Foster, Thomas Sterling, D. N. Hunt, C. N. Keith.

Sully and Potter—Edmund W. Eakin.

Turner—Joseph Allen, Christian Epple, Orange Still, A. Bertelson.

Union—C. F. Mallahan, Ole Gunderson, Jesse Akin.

Yankton—John R. Gamble, Hugh J. Campbell, George H. Hand, Joseph Ward, Bartlett Tripp, C. J. B. Harris, C. E. Brooks.

After prayer by the Rev. J. N. McLoney of Sioux Falls, Arthur C. Mellette, of Codington county, was unanimously elected temporary chairman, and C. H. Winsor, of Sioux Falls, temporary secretary. On the second day Bartlett Tripp of Yankton was elected permanent chairman by a unanimous vote, and Mr. Winsor was made permanent secretary, with H. M. Avery of Sioux Falls and T. A. Kingsbury of Watertown, assistants. After being in session fourteen days they agreed upon a constitution which, by a provision contained in it, was to be submitted to the people for popular approval at the regular election in November. At that election returns from forty-two counties showed 12,336 votes for this constitution, and 6,814 against it. While this convention was in session, another met September 12, at Fargo, in the northern part of the Territory, and protested by resolutions against the acts of the Sioux Falls convention.

It must be borne in mind that this first constitutional convention had no official sanction whatever. It was the outgrowth of a spontaneous demand for statehood. But so carefully and conscientiously did the delegates do their work that this first constitution contained many of the essential features of that finally adopted in 1889.

During the winter of 1882-83 the question was again taken up in congress. Up to this time the proposition had been to divide Dakota on the forty-sixth parallel. An examination revealed the fact that a division on this parallel would divide nearly every farm along the line, making it necessary for the farmers to pay taxes in both states. To obviate this difficulty, the seventh standard parallel was substituted for the forty-sixth parallel of north latitude, and this line was finally adopted as the boundary line between North and South Dakota. For the information of those not fully acquainted with the system of United States land surveys, a brief explanation of the standard parallels may be appropriate. There are about thirty different meridians upon which the surveys of public lands are based. The sixth principal meridian runs through Kansas, Nebraska and Dakota. Its principal base line forms the northern boundary of Kansas. But the meridians converge at the poles. This convergence equals

about ten feet per mile. To correct the error thus caused, new parallels are established every twenty-four miles, from which new corners for townships and sections are located. The base line, from which these standard parallels are reckoned in Dakota, forms the northern boundary of Iowa. The seventh standard parallel north of this base line is the one selected upon which to divide the Territory. By making the division on this line instead of on the forty-sixth parallel, the lands were divided according to survey, and though foreign geographers may wonder at the establishment of this arbitrary line, the farmers, surveyors and tax collectors of Dakota realize the advantages resulting from its selection.

Soon after the legislature of 1885 was convened, a joint committee of five members of the council and seven from the house, was appointed to draft a memorial to congress. On the 2d of February this committee reported a memorial asking for the passage of the bill then pending in the national house of representatives, dividing the territory on the seventh standard parallel. The United States senate had passed a bill, in December previous, providing for the admission of that part of Dakota south of the forty-sixth parallel, the northern portion to remain a territory, upon which the name of Lincoln was conferred. On the 9th of March, Governor Pierce approved a bill authorizing a constitutional convention for South Dakota, to be held at Sioux Falls, September 8. By the provisions of this bill 111 delegates were to be elected on the 30th of June; each delegate to receive two and one-half dollars per day for a period not to exceed thirty days, and five cents per mile, to be paid from the territorial treasury upon warrants from the auditor. An appropriation of twenty thousand dollars to pay the expenses of the convention was made at this time. Agreeable to the provisions of this bill delegates were elected in forty-three counties on the 30th of June. Five counties included in the bill, viz: Day, Douglas, Fall River, Moody and Davison, failed to send delegates. J. H. Teller, territorial secretary, called the convention to order promptly on time, September 8, and read the following list of delegates as having been certified to him by the various counties:

Aurora—H. F. Fellows, Matt. A. Ryan.

Beadle—J. H. More, J. L. P. McCallum, F. F. B. Coffin, S. C. Weatherwax, J. M. Baker.

Bon Homme—Robert Dollard, Geo. W. Snow, Daniel Wilcox.

Brookings—Miles Write, Warren M. Wright, R. C. Walton.

Brown—J. D. Mason, C. J. Macleod, George R. Laybourne,
J. T. Dow.

Brule—A. G. Kellam, C. J. Maynard, C. M. Gregory.

Buffalo—Robert J. Brown.

Butte—H. J. Grant.

Campbell—Frank Alexander.

Charles Mix—Thomas Elfes.

Clark—John E. Bennett, R. A. Proudfoot.

Clay—John M. Cleland, J. M. Schultz.

Codington—S. G. Updyke, I. M. Westfall.

Custer—Stephen M. Booth.

Deuel—Charles S. Lowe.

Edmunds—S. H. Cranmer.

Faulk—E. M. Jessup.

Grant—Henry Neill, N. I. Lothian.

Hamlin—C. E. Andrus.

Hand—M. E. Williams, H. M. Smith, L. W. Lansing.

Hanson—W. H. Murphy, Isaac Gray, Sr.

Hughes—James A. Ward, Samuel Miller, Wm. A. Lichten-
wallner.

Hutchinson—David Belton, Wm. Harding, C. Buechler.

Hyde—George G. Crose.

Jerauld—S. H. Huntly, Albert Gunderson.

Kingsbury—John A. Owen, H. H. Sheets.

Lake—Geo. L. Wright, Wm. McGrath.

Lawrence—G. C. Moody, D. Corson, Kirk G. Phillips, Frank
C. Ayers, W. H. Parker, John Johnson, Leo H. Weeden, Alpheus
E. Frank.

Lincoln—Jeremiah Geehon, J. W. Taylor.

McPherson—Frank Gault, Sr.

McCook—T. H. Conniff, W. H. Goddard.

Miner—John H. Patten, S. A. Jones.

Minnehaha—W. W. Brookings, E. P. Beebe, A. J. Berdahl,
C. S. Gifford, J. B. Goddard, E. T. Oaks.

Pennington—J. W. Fowler, W. H. Mitchell.

Potter—Willis C. Stone.

Roberts—W. G. Ashton.

Sanborn—Theodore D. Kanouse, Robert Dott.

Spink—J. B. Churchill, F. I. Fisher, C. H. Myers, G. C. Brit-
ton, George Boyer, F. H. Craig.

Sully—C. M. Reed, H. F. Pendleton.

Turner—A. Haines, Joseph Allen, N. C. Tychsens, R. C. Tous-
ley.

Union—H. H. Blair, K. P. Kendall, John Dall.

Walworth—B. B. Potter.

Yankton—A. J. Edgerton, Joseph Ward, J. R. Hanson, Hugh J. Campbell.

Alonzo J. Edgerton, of Mitchell, was chosen president, and John Cain of Huron, secretary, by unanimous vote. H. M. Avery of Sioux Falls was assistant secretary, and M. B. Kent of Elk Point, sergeant at arms. A constitution was adopted after sixteen days of deliberation, and on September 25, a committee, appointed for that purpose, issued an address to the people of Dakota, in which the work of the convention was summed up in the closing paragraph:

"We summarize for you in a short recapitulation the advantages which you will derive by adopting this constitution and forming a state government: 1, Low taxation; 2, Economy in appropriations and expenditures by legislatures; 3, Checks on county and municipal indebtedness; 4, Lower salaries for your state officers than you are now paying the corresponding territorial officers; 5, Protection of school land and funds; 6, Receipt of revenue from school lands and diminishing of your school taxes; 7, Checks on the power of corporations to influence legislation and to discriminate unjustly against individuals or places; 8, Opening of Indian reservations and the settlement of those large tracts of country which now separate eastern from western Dakota; 9, The advance of railroads across these reservations, and the increase of immigration; 10, The bringing of your State government closer to the people and making it more responsible to them; 11, Advance in all values of properties and an increased stability of state, municipal and individual credit; 12, Independent, complete self-government; 13, An escape from the enormous taxation that will be necessary to complete the territorial capitol at Bismarck. All of which is respectfully submitted to the people of Dakota for their consideration. By order of the convention. (Signed) Hugh J. Campbell, of Yankton county; W. W. Brookings, of Minnehaha; Frank Gault, of McPherson; Theo. D. Kanouse, of Sanborn; Samuel Miller, of Hughes.—Committee on Address." A committee of five, consisting of Gideon C. Moody of Lawrence, Stephen M. Booth of Custer, J. H. More of Beadle, S. G. Updyke of Codington, and George R. Laybourne of Brown, was also appointed to prepare a memorial on the work of the convention to lay before the next session of congress.

It was provided by the convention that the constitution should be submitted to popular vote on the 3d of November, and that

the election of state officers should take place at the same time. A Republican convention was held at Huron, October 21, and a full state ticket was nominated, to-wit: For governor, A. C. Mellette, of Codington; for lieutenant-governor, A. E. Frank, of Lawrence; for secretary of state, H. S. Murphy, of Brookings; for auditor, Frank Alexander, of Campbell; for treasurer, D. W. Diggs, of Grant; for attorney general, Robert Dollard, of Bon Homme; for superintendent of public instruction, A. S. Jones, of Hutchinson; for commissioner of school and public lands, W. H. H. Beadle; for supreme judges, Dighton Corson of Lawrence, A. G. Kellam of Brule, John E. Bennett of Clark; for congress, Oscar S. Gifford of Lincoln and Theodore D. Kanouse of Sanborn.

No other ticket was placed in the field. At Mitchell the Democrats held a meeting at which the action of the Sioux Falls convention was denounced as revolutionary, and a series of reasons for their opposition closed with this declaration: "We believe that the interests of the people of Dakota will be best subserved by awaiting the proper action of Congress in passing our enabling act, authorizing the holding of a State Convention to frame a State Constitution embracing such territory as the people, not the politicians shall determine. We believe this action will be taken by the Congress soon to assemble. We therefore, as a committee, decline to call a Democratic Convention for the nomination of officers for the proposed State, believing, as we do, that the whole proceeding will prove a gigantic farce, and recommend that the Democrats of Dakota and all law abiding citizens generally decline to take any part whatever in the proceedings."

At the election, November 3, the constitution was ratified by the people by a vote of 25,226 to 6,565. At the same time the Republican candidates for state officers were elected, Mellette for governor, receiving 28,994 votes and the other candidates about the same number. Huron was chosen as the temporary capital, and, in accordance with the provisions of the new constitution, the legislature met there on the second Monday in December, listened to the reading of Governor Mellette's message, and completed the organization of the provisional state government by the election of Gideon C. Moody and Alonzo J. Edgerton United States senators, after which they adjourned without attempting to pass any laws.

On December 7, certified copies of the Sioux Falls constitution and the memorial from the constitutional convention were

sent to President Cleveland and United States Senator Benjamin Harrison, of Indiana. On December 15, General Harrison introduced a bill in the United States senate providing for the admission of that part of Dakota south of the forty-sixth parallel. This bill was referred to the committee on territories, which reported adversely. General Harrison then offered a substitute, January 11, 1886, that met with the approval of the committee, passed the senate February 5, and was sent to the house. At the same session of congress no less than eight bills, relating to statehood for part or all of Dakota, were introduced in the house. Five of these reached a second reading; two were reported adversely from the committee on territories, and one was referred to that committee on first reading, but none passed.

On December 15, 1886, the constitutional convention, which had been kept alive for emergencies, met at Huron, and remained in session two days. About the only thing the convention did at this meeting was to pass a proviso for the election, in November, 1887, of a full quota of state, legislative and judicial officers, to take the places of those elected in 1885, most of whose terms expired in two years. In response to the demand of the more radical divisionists, the convention also provided that the executive committee might, at the same election, submit to a vote the question, "Shall the State Government go into full operation?" The purpose of this was to leave the whole question to the executive committee, who might submit the question to the people or not as they thought best.

By a law passed by the territorial legislature in March, 1887, the voters of the whole Territory were to express their opinion on the subject of division at the November election of that year. The division, if favored by the voters, was to be made on the seventh standard parallel. Two divisionist conventions were held, one in South Dakota, July 13, at Huron; and one in North Dakota, July 23, at Fargo. At these conventions strong resolutions favoring division were adopted, and plans for conducting a campaign were outlined.

Out of 62 counties in South Dakota 34 voted for division, while north of the line, out of 50 counties only two—Ramsey and Grand Forks—were in favor of it. The opponents of division, encouraged by this vote, called a convention to meet at Aberdeen, on December 15, to memorialize congress for admission into the Union as one state. A petition had been circulated, and the call for this convention was signed by more than 15,000 citizens. H. C. Preston of Davison county was made temporary chairman,

and George Rice of Moody county, who had served as speaker of the house in the legislature of 1885, was chosen permanent chairman. In his address to the convention he referred to the Huron and Sioux Falls conventions of 1883, and the attempt to set up a state government in 1885 as authorized, and expressed a hope that the early action of congress would settle the question. A committee of fifteen was appointed to draft a memorial for admission as one state. Ex-Governor John L. Pennington, of Yankton county, was made chairman of this committee. Associated with him were S. F. Goodykoontz of Davison; Budd Reeve of Traill; F. G. Wright of Minnehaha; E. W. Lowe of Brown; N. C. Nash of Lincoln; J. A. Frye of Stutsman; W. O. Keyser of Spink; W. W. Cornwall of McPherson; W. H. Becker of Cass; S. B. Van Buskirk of Codington; F. P. Smith of Faulk; George P. Garrod of Richland; H. J. Mallory of Dickey; C. C. Newman of Sargent.

Another committee, consisting of three members at large, and two from each judicial district, was appointed to present the memorial to congress. The members at large were L. G. Johnson, Brown; M. L. McCormack, Grand Forks, and W. E. Dodge of Cass. For the 1st district, Granville G. Bennett, Lawrence, P. B. McCarty, Pennington; 2nd district, John L. Pennington, Yankton, Robert H. McBride, Davison; 3rd district, W. E. Purcell, Richland, Anthony Garnett, Pembina; 4th district, C. H. Winsor, Minnehaha, F. A. Gale, Lincoln; 5th district, C. T. McCoy, Brown, J. A. Lee, Day; 6th district, William Thompson, Burleigh, J. A. Frye, Stutsman.

A letter from Congressman W. M. Springer, of the committee on territories, who had joined in a report, in May, 1886, opposing the admission of South Dakota was read. In this letter, after stating the reasons for his position, he said: "I have earnestly desired and still desire, the admission of Dakota into the Union as one State; but have opposed, and will continue to oppose, her dismemberment. While some of her citizens, perhaps interested in localities that may be affected by division, may criticise my course at this time; yet I feel assured that hereafter those who have insisted on single admission will be regarded as the benefactors of the Territory. I therefore bid you Godspeed in the work of the convention of the 15th of December and trust that its labor will result in the early admission of Dakota as a State of the Union." This letter was dated at Washington, December 6, and addressed to L. G. Johnson, who had been active in the work of calling the convention.

Efforts to discredit the work of this convention were made by the divisionists, because it had been held without official sanction, and therefore represented nothing. To this it was retorted that the Aberdeen convention was called by as good authority, and represented as much as the Huron convention of 1883; that the vote for delegates to the Sioux Falls convention—13,000 out of 77,000—did not represent the will of the majority quite so well as the 15,000 signers to the call for the convention at Aberdeen. The presence of representatives of these two contending elements in Washington during the session of congress, in the winter of 1887-88, had a tendency to hinder, rather than to help, legislation favorable to the admission of either all or part of Dakota.

During the campaign of 1888, the question was made the leading issue of the territorial campaign. Lessons had been learned from the experiences of the previous winter, recriminations ceased, and the final and successful endeavor for statehood received general support. Party conventions declared in favor of division and admission as two states. On the 10th of July a non-partisan convention was called at Huron in the interest of the movement that had now become almost universal. This was followed, on the 12th, by conventions of farmers and business men, declaring in favor of division. The election of General Harrison to the presidency encouraged the people of the Territory. While a member of the United States senate, he had been a consistent advocate of admission. But before President Harrison was inaugurated, congress passed the enabling act which was approved February 22, 1889. By the provisions of this act constitutional conventions were to be held in both North and South Dakota, beginning on the 4th day of July. The convention in North Dakota was to meet at Bismarck, that of South Dakota at Sioux Falls. Delegates to these conventions were to be elected May 14. Each convention upon assembling was to appoint not less than three of its members to serve on a joint commission, to meet at Bismarck to agree upon the division of all property belonging to the Territory; the disposition of all public records; the adjustment of all territorial debts and liabilities; the agreement of this joint commission to be incorporated in the constitution of each State, which, by the adoption of the constitution, obligated itself to pay its proportion of such debts and liabilities. The work of the joint commission was not a difficult one. Public buildings had been located with a view to division; each State now assumed the payment of the bonds issued for the benefit of the public institutions within its limits. Copies of certain terri-

torial records were provided for, and each State was to bear its share of the expense of making the same. These provisions, with a few minor details, constituted the work of the joint commission, and the agreement was included in the constitution of each State as required.

Alonzo J. Edgerton was chosen president of the South Dakota convention by a unanimous vote, and F. A. Burdick, of Yankton, was elected permanent secretary. The convention was in session thirty-two days and adopted the constitution of 1885, modified and amended as required by the enabling act. Seventy-five delegates were authorized by the act of congress, these were R. C. Anderson, I. Atkinson, A. J. Berdahl, Christian Buechler, S. F. Brott, L. T. Boucher, C. G. Coats, E. W. Caldwell, D. Corson, H. T. Craig, P. Couchman, George H. Dulver, T. F. Diefendorf, T. H. Davis, J. Downing, J. G. Davies, W. G. Dickinson, William Elliott, A. J. Edgerton, E. G. Edgerton, H. W. Eddy, J. A. Fowles, H. T. Fellows, O. S. Gifford, W. H. Goddard, C. J. B. Harris, C. A. Houlton, M. R. Henninger, H. A. Humphrey, David Hall, S. F. Huntley, C. G. Hartley, L. H. Hole, John L. Jolley, S. D. Jeffries, J. Kimball, A. G. Kellam, T. W. P. Lee, R. F. Lyons, W. H. Murphy, V. T. McGillicuddy, William McKusick, W. H. Matson, A. B. McFarland, Henry Neill, W. S. O'Brien, Sanford Parker, C. H. Price, S. S. Peck, A. O. Ringsrud, S. A. Ramsey, John Scollard, M. P. Stroupe, William Stoddard, Thomas Sterling, C. G. Sherwood, I. R. Spooner, R. A. Smith, C. M. Thomas, F. W. Thompson, William Van Epps, C. H. Van Tassell, S. B. Van Buskirk, H. M. Williamson, W. T. Williams, C. L. Wood, S. A. Wheeler, C. R. Westcott, J. V. Willis, J. F. Wood, J. F. Whitlock, F. G. Young, Joseph Zitka.

In North Dakota the convention was organized by the election of Frederick B. Fancher, of Jamestown, president. As in the case of South Dakota the same number of delegates had been apportioned to North Dakota by the enabling act, and the seventy-five men who met at Bismarck to frame a constitution for their State, were: Roger Allin, J. M. Almen, A. F. Appleton, T. W. Bean, James Bell, Richard Bennett, L. D. Bartlett, W. D. Best, Charles V. Brown, David Bartlett, Andrew Blewett, William Budge, E. W. Camp, E. W. Chaffee, John E. Carland, Charles Carothers, Horace M. Clark, W. J. Clapp, J. L. Colton, James A. Douglass, Elmer E. Elliott, George H. Fay, A. D. Flemmington, J. B. Gayton, B. R. Glick, Enos Gray, Alexander Griggs, A. P. Haugen, M. F. Hegge, H. L. Holmes, M. N. Johnson, Harvey Harris, A. W. Hoyt, W. S. Lauder, Addison Leech, Jacob Lowell,

Martin V. Linwell, E. H. Lohnes, M. K. Marrinan, T. H. Mathews, O. G. Meacham, John McBridge, H. F. Miller, S. H. Moer, J. D. McKenzie, P. McHugh, V. B. Noble, Knud J. Nomland, James F. O'Brien, C. P. Parsons, A. S. Parsons, E. M. Paulson, M. M. Peterson, R. M. Pollock, John Powers, Joseph Powles, W. E. Purcell, William Ray, R. B. Richardson, A. D. Robertson, E. S. Rolfe, William H. Rowe, Andrew Sandager, John Shuman, J. W. Scott, J. F. Selby, Andrew Slotten, B. F. Spalding, R. N. Stevens, Ezra Turner, E. D. Wallace, A. O. Whipple, J. Wellwood, E. A. Williams.

South Dakota adopted the constitution, at the election of October 1, by a vote of 66,411 to 3,247. In North Dakota the vote was 27,444 for the constitution to 8,107 against it. The state officers elected for South Dakota were as follows: A. C. Mellette, governor; J. H. Fletcher, lieutenant governor; A. O. Ringsrud, secretary of state; L. C. Taylor, auditor; W. F. Smith, treasurer; Robert Dollard, attorney general; G. L. Pinkham, superintendent of public instruction; O. H. Parker, commissioner of school and public lands; D. Corson, A. G. Kellam, John E. Bennett, judges of the supreme court; Oscar S. Gifford and J. A. Pickler were elected representatives in congress, and the legislature met at Pierre, which had been made the temporary capital, on the 15th of October, and two days later elected R. F. Pettigrew and Gideon C. Moody United States senators. Both the senators elected by this legislature had been for several years fully identified with the interests of Dakota.

Richard Franklin Pettigrew was born at Ludlow, Vt., in July 1848. In 1854 his parents, Andrew and Hannah B. Pettigrew, removed to Evansville, Rock county, Wis. After attending the Evansville academy and Beloit college, he took a course in the law department of Wisconsin university. In 1869 he went to Dakota as a surveyor with the United States deputy surveyor. Impressed by the resources and prospects of Dakota he located at Sioux Falls where he was engaged as a surveyor until 1872, when he entered upon the practice of law. He was a member of the Dakota legislative council from 1877 to 1881; a member of the first constitutional convention in 1883; again in the council of 1884-85; was elected United States senator in 1889; was re-elected and served until 1901 when he was succeeded by Robert J. Gamble.

Gideon Curtis Moody was born at Cortland, N. Y., in 1832. Here he received an academic education, after which he studied

law in Syracuse. At the age of twenty he removed to Indiana and was admitted to the bar. Two years later he was elected prosecuting attorney of Floyd county. In April, 1861, he enlisted in the Ninth Indiana volunteer infantry and rose to the rank of colonel. He located in Dakota in 1864, where he served successively as member and speaker of the house of representatives in the territorial legislature; associate justice of the supreme court for five years; member of the constitutional convention in 1883 and again in 1885. He was chairman of the committee to draft a memorial to congress, from the convention of 1885, and was elected United States senator under the constitution adopted that year; but did not enter upon the duties, because congress failed to admit the State. He was delegate to the Republican national conventions of 1868, 1888, and 1893. His term as senator expired in 1891 when he was succeeded by Rev. J. H. Kyle.

In North Dakota the officers elected were: John Miller, governor; Alfred Dickey, lieutenant governor; John Flittie, secretary of state; L. E. Booker, treasurer; John P. Bray, auditor; William Mitchell, superintendent of public instruction; George F. Goodwin, attorney general; A. L. Carey, commissioner of insurance; H. F. Helgesen, commissioner of agriculture and labor; George S. Montgomery, D. Bartlett, F. S. Underhill, railroad commissioners; Guy C. H. Corliss, Joseph M. Bartholomeu, Alfred Wallin, judges of the supreme court; H. G. Hansbrough, representative in congress. On November 19, the legislature met at Bismarck, and the next day ex-Gov. Gilbert A. Pierce and Lyman R. Casey were chosen United States senators, thus consummating the last act necessary to form two distinct state governments in what was before the largest territory in the American republic.

Lyman R. Casey was born at York, N. Y., in 1837. The greater part of his education was obtained in the public schools and the York academy. In 1861 he was married to Miss Harriet M. Platt, of Buffalo, N. Y., and for several years after his marriage was engaged in manufacturing and mercantile business in Detroit, Mich. During the years from 1872 to 1879 he traveled extensively both at home and abroad. The possibilities of North Dakota as a wheat growing country attracted his attention, and in 1882 he removed to the Territory, where he has since been engaged in the management of the Carrington & Casey Land Company, which cultivates thousands of acres of wheat every year. When Foster county was organized in 1883, he was

a member of the first board of county commissioners, and was elected United States senator upon the admission of the State, the term for which he was elected expiring March 4, 1893.

Eighteen years had elapsed since the first memorial went to congress asking for a division of the Territory. During that eighteen years the question had never been permitted to rest long at a time, and at last success crowned the efforts of those who had kept up the agitation. Although some opposition found expression at times, division was inevitable. As it existed prior to 1889 the Territory was too large, too unwieldy, to be governed as a single state.

The Indian word "Dacotah," from which the name of these two States is derived, signifies "allied," being the name applied to the confederated bands of Sioux, or Dacotah Indians. The name has a peculiar significance in connection with the two States of North and South Dakota. Though separated by an act of legislation there is still much in common between them. Hand in hand they entered the Union of states on the 2nd day of November, 1889, each having a political existence of its own, yet each strongly allied to the other in the nature of its wants, the character, the hopes and the aspirations of its people.

State of South Dakota

Judge Bartlett Tripp, LL. D.

Associate Editor

South Dakota

CHAPTER I

South Dakota, State Government

THE constitution adopted by the people of South Dakota, preparatory to admission into the Union, is regarded by many as one of the strongest and most comprehensive in the United States. It contains, as originally adopted, twenty-six articles, embracing a wide range of subjects pertaining to the rights of citizens and the control of state affairs. By its provisions the state government is divided into the three departments, legislative, executive and judicial, patterned after the Federal government. The legislative power is vested in a senate of forty-five members, and a house of representatives of one hundred and twenty-four members. (The number of members in each branch may be fixed, within certain limits, from time to time, by legislative enactment.) This legislature is restricted in a large number of instances from passing private laws. The executive power is vested in the governor, or in the event of his death or disability, in the lieutenant governor, and the executive is prohibited from using promises or threats to influence legislation.

Three judicial districts for the supreme court are established; the number may be increased by legislation when the situation demands an increase. The first district is all that part of the State west of the Missouri river; the second, that part east of the Missouri and north of the second standard parallel; and the

third, that part east of the Missouri south of the same parallel. Eight judicial circuits are established, as follows:

First circuit: The counties of Union, Clay, Yankton, Turner, Bon Homme, Hutchinson, Charles Mix, Douglas, Todd, Gregory, Tripp and Meyer.

Second circuit: The counties of Lincoln, Minnehaha, McCook, Moody and Lake.

Third circuit: The counties of Brookings, Kingsbury, Deuel, Hamlin, Codington, Clark, Grant, Roberts, Day, and the Sisseton and Wahpeton reservation, except that part lying in Marshall county.

Fourth circuit: Sanborn, Davison, Aurora, Brule, Buffalo, Jerauld, Hanson, Miner, Lyman, Presho and Pratt counties.

Fifth circuit: The counties of Beadle, Spink, Brown and Marshall.

Sixth circuit: The counties of Hand, Hyde, Hughes, Stanley, Sully, Potter, Faulk, Edmunds, Walworth, Campbell, McPherson, and all that part of the State lying east of the Missouri river, and not included in any other circuit.

Seventh circuit: The counties of Pennington, Custer, Ziebach, Sterling, Nowlin, Jackson, Washabaugh, and Lugenbeel.

Eighth circuit: The counties of Lawrence, Meade, Scobey, Butte, Delano, Pyatt, Dewey, Boreman, Schnasse, Rinehart, Martin, Choteau, Ewing, Harding; and all that part of the State west of the Missouri river and north of the Big Cheyenne and the north fork of the Cheyenne river not included in any other circuit.*

In addition to the supreme and circuit courts the constitution authorizes a county court in each organized county, justice's courts, and police magistrates in towns and cities.

The bill of rights provides that no citizen of the State shall be deprived of life, liberty or property without due process of law; guarantees absolute religious liberty; subordinates the military to the civil power; affirms that all political power is inherent in the people; insures the right of trial by jury; prohibits the passage of *ex post facto* laws, and declares that all citizens shall enjoy the same privileges under the same conditions.

In order to become a qualified voter under this constitution, one must have been in the United States one year; six months in the State; thirty days in the county, and ten days in the precinct, immediately preceding the election.

*The legislature is, however, authorized to increase or decrease the number of such judicial circuits as may from time to time be deemed necessary or proper.

Congress set apart the 16th and 36th sections of each township for the benefit of the public schools. It is provided that all proceeds resulting from the sale of these school lands, as well as the percentage donated by congress from the revenues derived from the sale of public lands, shall constitute a permanent fund for the benefit of the public schools of the State. This fund may be increased, but can never be diminished. It can be loaned only upon first mortgage security upon improved farms, or invested in bonds of school corporations within the State, or in Dakota state bonds, or bonds of the United States.

Taxes are to be levied upon all classes of property, and to be uniform throughout the State. The limits of taxation for state purposes are fixed by the constitution. Property belonging to the United States, or to the State of Dakota, and all property used for religious or charitable purposes or for cemeteries, are to be exempt from taxation.

The control of the penal and charitable institutions of the State—the penitentiary, insane hospital, deaf and dumb and blind asylums—is vested in a state board of charities and corrections, of not more than five members, to be appointed by the governor and confirmed by the senate.

A board of nine members, known as the regents of education, has charge of the state university, normal schools and agricultural college. These regents are appointed for six years, the terms of three expiring every second year.

In the matter of private corporations, it is provided that the charter of no corporation shall be granted or extended by special laws; that the right of eminent domain gives the legislature the same power over corporate as over individual property; that the business of every corporation chartered by the State must be confined to the lines stated in the charter; that foreign corporations doing business in the State must have one or more resident agents upon whom process may be served; that the legislature shall have power to alter, revise or annul charters; that railroad companies must keep a public office open in the State, where lists of stockholders and records of sales of stock shall be open to public inspection; that no bank shall be chartered for a longer period than twenty years, but that such banks shall have power to bring or defend suits in the courts of the State, after the expiration of their charters, and while the business of the bank is in process of liquidation.

The salaries of the state and judicial officers are fixed by the constitution as follows: Governor and judges of the supreme

court, two thousand five hundred dollars each; secretary of state, auditor and treasurer, one thousand eight hundred dollars each; commissioner of school and public lands, one thousand eight hundred dollars; superintendent of public instruction, one thousand eight hundred dollars; attorney general, one thousand dollars; lieutenant governor, twice the salary of a state senator; circuit judges, two thousand dollars. It is also provided that after 1890 the legislature may increase the salaries of the governor and judges of the supreme court to three thousand dollars, and the salaries of circuit judges to two thousand five hundred dollars per annum.

Every able bodied man between the ages of eighteen and forty-five years is made subject to military duty, but the legislature is given power to provide by suitable legislation for the enrollment, organization and equipment of the militia, the officers of which are to be commissioned by the governor.

To amend the constitution the amendment must pass both houses of the general assembly by a majority vote, and be submitted to the people for ratification at the next general election, a majority of all the votes cast at such election being necessary to secure its adoption.

No business except the election of United States senators was transacted by the session of the legislature following the election of 1889. The adjourned session met at Pierre on the 7th of January, 1890, and continued sixty days. By the terms of the agreement reached by the joint commission appointed to adjust the finances of the two states, at the time of division, South Dakota was to assume seven hundred ten thousand two hundred dollars of the bonded debt of the Territory. Of this, one hundred sixteen thousand six hundred dollars bore interest at the rate of six per cent, one hundred twenty-five thousand dollars five per cent; three hundred seventeen thousand one hundred dollars, four and a half per cent, and the remainder, one hundred fifty-two thousand five hundred dollars, four per cent. In addition to this South Dakota was to pay to North Dakota forty-six thousand five hundred dollars. This, and other obligations, brought the total indebtedness of the State up to one million twenty thousand two hundred dollars. At this session of the legislature the state treasurer was authorized to sell four per cent bonds to the amount of one hundred thousand dollars to meet deficits caused by failure of the revenue, and such additional bonds as might be necessary to meet the floating debt that South Dakota must assume by the settlement of the joint commission. Appropriations aggre-

gating four hundred twenty-seven thousand two hundred eight dollars and twenty cents for the salaries of public officials, office expenses and the maintenance of public institutions were made during the session.

By the terms of the enabling act, a grant of 500,000 acres of land, to be selected from any government lands within the State, was made for the endowment of educational, penal and benevolent institutions. Of this, 40,000 had been set apart for the benefit of the school at Plankinton; 40,000 for the deaf and dumb asylum at Sioux Falls; 80,000 for the two normal schools at Madison and Spearfish; 40,000 for the agricultural college at Brookings; 40,000 for the state university at Vermillion, and 50,000 for the state capitol and public buildings at Pierre. This left 170,000 acres to be used to endow such institutions as the legislature might hereafter determine. Such was the condition of South Dakota's finances at the time she assumed the obligations of statehood.

During the late summer and fall of 1889 a severe drought in the northern and northwestern portions brought widespread destitution to South Dakota. Hundreds of farmers were without seed grain for a crop, or the means of securing it. The legislature was powerless to offer relief, because of the constitutional provision that the debt limit should not exceed one hundred thousand dollars, in addition to the territorial debt assumed. On January 22, the legislature adopted a resolution appointing a committee to confer with warehouse men in the various cities of the Northwest in the effort to secure seed grain at special prices. Governor Mellette sent out communications to boards of trade and other commercial organizations, asking for contributions to a fund of fifty thousand dollars for the relief of the sufferers. The assembly passed a resolution on the 18th of February, endorsing this action on the part of the governor, and adding the plea of the legislature to that of the executive for assistance. An amendment to the constitution increasing the limit of indebtedness to five hundred thousand dollars was proposed, but, even if it should be ratified by the people, a year must elapse before it would become effectual. A convention was called at Huron, March 3, and a committee of five was appointed to work with the governor in his efforts to obtain relief. At this convention estimates were made that grain to the value of five hundred seventy thousand dollars would be necessary to supply the necessary seed for a crop. The railroads submitted propositions to carry all grain free or at one-half the usual rates. A second convention

was held at the same place on the 2d of April, when forty-five thousand dollars' worth of grain was apportioned to twenty-five counties. Owing to the scarcity of seed the crops of 1890 were hardly up to the standard. But a good yield that year placed the grain growing interest of the State upon a secure footing for 1891.

Besides the constitutional amendment providing for an increase in the limit of indebtedness, other amendments were offered to permit woman suffrage, and to exclude from suffrage all Indians who maintained tribal relations. Section 2, Article 20, of the constitution provides that, at the first regular session of the legislature, a law should be enacted submitting the question of the location of a state capital to the voters of the State at the next general election. Such a law was approved by the governor on the 5th of March.

While the legislature was in session, President Harrison, February 10, 1890, issued the final proclamation, declaring a large part of the Sioux reservation open to settlement. The territory embraced in this proclamation included all of Nowlin, Ziebach, Scobey, Delano, Rinehart, Choteau, Martin and Wagner counties, and parts of the counties of Stanley, Presho, Lyman, Pratty, Sterling, Jackson and Washington. Many people had gathered at Pierre, Chamberlain, and other points along the Missouri river, in expectation of the proclamation, to be ready to enter the reservation and secure the most desirable claims. And notwithstanding it was in the dead of winter, the news had no sooner reached these waiting crowds than the rush began.

With the opening of the lands west of the Missouri, many of the Indians became discontented, and this discontent was encouraged by vicious leaders who hoped to provoke a general outbreak. The government had forbidden the Indians to indulge in the war dance, but their malicious leaders substituted another known as the "ghost dance" which wrought the masses of the tribes up to such a state of religious frenzy that they were ready to obey almost any command their chiefs might give. This growing insubordination finally culminated in large bodies of defiant Indians' collecting in the neighborhood of the agencies, where they engaged in pillaging the settlements at every opportunity. On the upper Cheyenne, White and Bad rivers they grew bolder, the people were openly robbed, and in some instances murdered, and the plunder was taken to a general rendezvous in the Bad Lands, on the upper White river. Here, in the fastnesses of this desolate region, they felt secure. But the United

States troops acted promptly, the lesser camps of Indians were soon broken up, the death of Sitting Bull, just as he was starting from his camp on the Grand river with a large body of warriors, had a tendency to check their eagerness and caused them to sue for peace. In the affair at Wounded Knee, thirty-two soldiers, and a large number of Indians were killed. At the first appearance of alarm about five hundred stands of arms and a quantity of ammunition belonging to the State were distributed among the settlers living near the Indian reservation. The demand for arms being greater than the supply the State authorities obtained a thousand stands additional from the secretary of war. This arming of the citizens was soon discovered by the Indians, and, accepting the truth of the old adage that "discretion is the better part of valor," they retired to their reservations. This outbreak is known as the Messiah war.

On the 6th of June a convention of the Knights of Labor and the Farmers' Alliance was held at Huron, to discuss the advisability of placing an independent ticket in the field to be voted for in November. It was decided to nominate candidates for the various state offices, and a second convention to meet at the same place July 9 was called. At that convention the following ticket was named: For governor, H. P. Loucks; lieutenant governor, A. L. Van Osdel; secretary of state, J. M. Hanson; auditor, J. R. Lowe; treasurer, Frank B. Roberts; attorney general, S. W. Cosand; superintendent of public instruction, Eugene A. Dye; commissioner school and public lands, F. F. Meyer; commissioner of labor, W. L. Johnson; members of congress, Fred C. Zipp and F. A. Leavitt.

The Democratic convention was held at Aberdeen on the 11th of June. Maris Taylor was nominated for governor; Peter Couchman, lieutenant governor; C. H. Freeman, secretary of state; J. A. Weeks, auditor; H. Horswill, treasurer; S. B. Van Burkirk, attorney general; W. A. Buxton, superintendent of public instruction; E. H. Evenson, land commissioner; members of congress, W. Y. Quigley and C. M. Thomas. Before the election the name of C. M. Thomas was withdrawn, and that of F. A. Clark placed on the ticket in his stead.

The Republican convention met at Mitchell, August 27. Governor Mellette was renominated. The rest of the ticket was as follows: For lieutenant governor, George H. Hoffman; secretary of state, Amund O. Ringsrud; auditor, L. C. Taylor; attorney general, Robert Dollard; superintendent of public instruction,

Cortez Salmon ; land commissioner, Thomas H. Ruth ; labor commissioner, R. A. Smith ; members of congress, John R. Gamble and John A. Pickler.

Probably more interest was taken in the location of the capital than in the election of state officers. The cities of Pierre and Huron were the leading contestants. Committees of citizens were organized in each city to conduct a campaign. Circulars, maps and statistics were scattered broadcast over the State, by these committees, pointing out the advantages of each of these cities over its rival. The first returns were favorable to Huron, but as the result in the more remote counties became known it was seen that the victory would likely be awarded to Pierre. Sensational charges to the effect that frauds instigated by the paid emissaries of Pierre had been committed in some of the outlying districts, were made by the friends of Huron before the returns were all received. Great excitement and indignation prevailed for a time, but the official count of the votes settled the contest in favor of Pierre, and it became the capital. The election was close. For several days after the election it was thought the independent ticket had been successful, and dispatches of that nature found their way into all the leading papers. The final count gave Mellette 34,487, Loucks 24,591, and Taylor 18,484, the vote on the other candidates being about the same.

On November 27, the soldiers' home at Hot Springs was opened, and before the close of the year forty disabled or invalid veterans were admitted to its hospitality.

The second session of the state legislature met on the 6th of January, 1891. During the session which lasted till the 6th of March, several important bills were passed. Among these was the law introducing the Australian ballot system, and providing for its use in all elections. The first test of this law in South Dakota, was made at a special election, November 3, the same year. This special election was made necessary by the death of John R. Gamble, one of the representatives in congress, which occurred at Yankton on the 14th of August. Governor Mellette issued a proclamation, August 26, calling the special election to choose a representative to fill out the unexpired term. John L. Jolley, of Clay county, was nominated by the Republicans; James M. Woods, of Rapid City, by the Democrats, and Henry W. Smith, of Wayne county, was the candidate of the Independents. The election resulted in favor of the Republican candidate, who received 17,614 votes to 7,188 for Woods and 14,587 for Smith. General approbation was expressed by the voters after the elec-

tion, and South Dakota, by this action on the part of its legislators, was placed in the list of states that believe in honest elections and an untrammelled ballot.

The legislature passed acts authorizing townships to provide irrigation by artesian wells; adopting a uniform school system throughout the state, and providing that in all unorganized counties, and in all counties to be organized thereafter, live stock should be permitted to run at large until such time as a majority of the people of the county might decide otherwise. A bill to resubmit the prohibitory amendment to the people was lost by a small majority.

In various ways the question of prohibition came up during the early years of statehood. When the constitution was adopted in 1889, the article providing for the prohibition of manufacture or sale of intoxicating liquors was submitted as a separate proposition. It was adopted by a smaller majority than was the body of the constitution, which fact encouraged the opponents of prohibition, who persisted in keeping the question before the people. After the bill to resubmit was lost in the legislature of 1891, an action was brought in Lawrence county, in July, to test the validity of the law passed by the first legislature. On the grounds that the constitution provided, in article III, section 21, that "no law shall embrace more than one subject, which shall be contained in its title," the court held that the law was unconstitutional. An appeal was taken to the supreme court, which sustained the prohibitory law, and the contest was reopened. The question was finally resubmitted to the voters, at the general election in 1896, and the prohibitory clause in the constitution was repealed by a vote of 31,901 to 24,910. Two years later an amendment was submitted, to be known as Article XXVII of the constitution. In section one of this amendment it is provided that "the manufacture and sale of intoxicating liquors shall be under exclusive state control and shall be conducted by duly authorized agents of the state who shall be paid a salary and not by commissions. All liquors sold shall first be examined by a state chemist and the purity thereof established." Section two provided that "the legislature shall by law prescribe regulations for the enforcement of the provisions of this article and provide suitable and adequate penalties for the violation thereof." This amendment, which was adopted at the general election of 1898 by a majority of 1,613, established the dispensary system, similar to that of South Carolina. This system lasted but two years. By a joint resolution passed by the legislature of 1899, it was resubmitted to the people

and repealed at the general election of 1900 by a vote of 48,673 to 33,927.

As the term of United State Sen. G. C. Moody was to expire on the 4th of March, 1891, it devolved upon this legislature to choose his successor. The presence of three political parties in the assembly, made the subject one of considerable interest and speculation as to the result. For thirty ballots the vote of the Independents was given to James W. Harden, H. L. Loucks and other candidates; the Republicans cast their votes for G. C. Moody, Thomas Sterling and others, while the Democrats continued to cast their solid vote for Bartlett*Tripp, but on the thirtieth ballot the name of Rev. James H. Kyle was presented by the Independents, and on the fortieth ballot the Democrats united with them and he was elected, receiving 75 votes to 55 for Sterling, the Republican candidate. Toward the close of the balloting, there was introduced a resolution which declared that it was a "matter of common notoriety, based upon what seems to be good authority, that negotiations are pending between the Democrats and Independents of South Dakota and Illinois." It was charged that these negotiations were to the effect that the Independents of Illinois were to help to secure the election of the Democratic ticket in that state, and the Democrats of South Dakota were to reciprocate the favor by assisting to elect an Independent United States senator for South Dakota. A sensation followed the introduction of the resolution, and the charges were vigorously denied by Democratic and Independent leaders. If the purpose of the resolution was to stampede the legislature to the support of some other candidate, it was a complete failure, for after a few more ballots Mr. Kyle was elected.

James H. Kyle was born at Xenia, O., in 1854. After attending the common schools of his native town he spent some time as a student at the Illinois state university, where he took a course in engineering. Later, he was graduated from Oberlin college, and the Allegheny Theological Seminary. The three courses, law, engineering and theology, to which was added a self prescribed course of reading upon general topics, made him a man of wide information and scholarly attainments. Entering the ministry of the Congregational church, he went to the Northwest, where he had charge of several churches of that denomination, and was for a while the financial agent of Yankton college. He attracted the attention of the Farmers' Alliance by an oration he delivered on the 4th of July, 1890, at Aberdeen, and was induced by some of the leaders of that organization to accept a nomination

for state senator, from Brown county, on the Independent ticket. He was elected to the state senate that fall, and from that body was sent to the United States senate. In the senate of the United States he rendered distinguished services as chairman of the committee on education, and on the special committee known as the "industrial commission." He died, July 1, 1901, at his home in Aberdeen.

Dissensions at the state university, at Vermillion, resulted in the resignation of the president, Howard B. Grose, in May, 1891, and the sudden closing of the institution only a week before the annual commencement exercises. Dr. Charles O. Merica, of Mount Pleasant, Ia., a graduate of DePauw university, was elected president in September, the faculty was reorganized, and the school was reopened.

Three tickets were in the field in the campaign of 1892. The Independent, or Farmers' Alliance party, took the initiative by calling a convention to meet at Redfield, June 23. At that convention A. L. Van Osdel was nominated for governor; M. M. Price, lieutenant governor; C. G. Morgan, secretary of state; G. W. Evarts, auditor; P. O. Peterson, treasurer; W. H. Curtiss, attorney general; Mrs. R. B. Hassell, superintendent of public instruction; Otto Anderson, commissioner of labor and statistics; William Cook, land commissioner. J. H. Kinzer, I. D. Snyder, W. C. Waldron and H. W. Smith were nominated for presidential electors, and William Lardner for member of congress. J. E. Kelley, an independent Democratic candidate was endorsed, later in the campaign, for the other congressional candidate.

On July 22, the Republican convention met at Madison. George A. Silsby, John A. Prothers, George W. Kingsbury, and Charles J. Buell were nominated for presidential electors; Charles H. Sheldon, for governor; Charles N. Herreid, lieutenant governor; Thomas Thorson, secretary of state; J. E. Hipple, auditor; William W. Taylor, treasurer; Coe I. Crawford, attorney general; Cortez Salmon, superintendent of public instruction; Thomas H. Ruth, land commissioner; Walter McKay, commissioner of labor and statistics, and John A. Pickler and W. V. Lucas for members of congress. The platform urged the general government to provide some system of irrigation for the arid lands of South Dakota; declared in favor of a law prohibiting dealing in options; recommended legislation in behalf of good roads, and advocated the establishment of postal telegraphs and savings banks.

The Democratic convention met at Chamberlain on the 1st of

September. They adopted a platform denouncing "Pinkertonism," promising an economical administration of state affairs, and favoring the resubmission of the question of prohibition to a vote of the people. The ticket was made up as follows: For governor, Samuel A. Ramsey; secretary of state, John L. Norris; auditor, Jacob E. Ziebach; treasurer, George H. Culver; attorney general, Henry C. Walsh; superintendent of public instruction, John P. Styles; land commissioner, Anton M. Keller; labor commissioner, Thomas Neary; members of congress, Chauncey L. Wood and Lewis E. Witcher. Michael J. Dinneen, John Burke, Charles Keith and John LaFabre were named as presidential electors.

A Prohibition convention, at Sioux Falls, on the 14th of September, nominated a ticket, but, because of failure to comply with the provisions of the new election law, the names of the candidates did not appear upon the ballot.

The result of the election was a victory for the entire Republican ticket. The presidential electors on each ticket receiving the highest vote, were Buell, 34,888; Burke, 9,081; Smith, 26,544. On the state ticket Governor Sheldon's plurality was 10,890. A constitutional amendment, limiting the mileage of members of the legislature to five cents per mile, was adopted by a vote of 39,364 to 11,236.

Charles H. Sheldon was born in Johnson county, Vt., in 1840. His boyhood was spent on a farm in Lamoille county in the same state. Upon the breaking out of the Civil war, he enlisted as a private in the Seventh Vermont volunteer infantry and served till March 14, 1866, when he was mustered out with the rank of captain. For the eleven years immediately succeeding the Civil war, he was a resident of Illinois. In 1877 he went to Kentucky where he remained till 1881, when he went to Dakota, and settled upon a farm near Pierpont, in Day county. He served as a member of the council in one of the territorial legislatures; was permanent chairman of the Republican state convention in 1890; was elected governor of South Dakota in 1892 and again in 1894. He died at Deadwood October 20, 1898.

No appropriation was made by the legislature of 1891, for the purpose of having South Dakota represented at the World's Columbian Exposition at Chicago in 1893. To make amends for this oversight, Governor Mellette wrote to all the members of the legislature in the summer of 1892, asking them to pay their own expenses to attend a short special session to make an appropriation for that purpose. A majority of the members declined

the proposition, and no special session was convened. But one of the first acts passed by the regular session, which assembled at Pierre on the 3rd of January, 1893, was to pass a bill appropriating sixty thousand dollars to pay the expenses of a South Dakota exhibit at the exposition. At this session they passed acts extending the time for redeeming property sold under mortgage foreclosure to two years, instead of one, as it had been up to that time; encouraging irrigation by authorizing the construction and maintenance of private reservoirs; providing for sinking artesian wells at public expense and for means of making payment for the same; establishing a uniform system of weights and measures; and defining the size and value of homesteads exempt from execution or attachment except in cases of mortgage foreclosure, vendors or mechanics liens.

They also passed joint resolutions submitting constitutional amendments to the people, providing that the county superintendent of schools might be eligible for more than four years in succession, and allowing women to vote for school officers. Both amendments were rejected by the voters at the next succeeding election.

An additional hospital for the insane was located at Redfield, the county seat of Spink county, conditioned upon a donation of one hundred and sixty acres of land by the citizens within one mile of Redfield. This assembly made no appropriation for the establishment or support of the institution, that being left to some future session of the assembly, after the donation of one hundred and sixty acres had been guaranteed.

For some time trouble had been experienced by tax collectors in their endeavors to collect tax from certain corporations doing business in the state. To expedite the collection of these taxes, the legislature passed an act at this session, adding a penalty of twelve per cent per annum, to the delinquent taxes of telegraph, telephone, express and sleeping car companies, and declaring such taxes to be delinquent after thirty days from the time they first became due.

Quite an addition was made to the available lands of South Dakota by the vacation of the Fort Randall military reservation. On March 3, 1893, congress passed an amendment to the Sundry Civil bill, ordering that the Fort Randall reservation be abandoned and the lands ceded to South Dakota and Nebraska. Three fourths of the reservation was in South Dakota, and, by this act, about seventy-two million acres of fine farming and grazing land in Charles Mix and Gregory counties became subject to settle-

ment. The reservation lay on both sides of the Missouri river, and had a river frontage of nearly thirty miles.

By a provision of the constitution the judicial officers of the state, after the first election in 1889, were to be chosen at an election, in the odd years, held exclusively for that purpose. The first exclusive election of this kind occurred in the fall of 1893. The Independents assembled in convention at Huron and nominated J. B. Fairbank, C. B. Kennedy and H. H. Porter for judges of the supreme court. A Democratic convention at Scotland, September 7, nominated Chauncey L. Woods, W. H. Stoddard and Henry C. Hinckley. On September 20, the Republicans held a convention at Huron and nominated for re-election Justices Bennett, Corson and Kellam. In the election the Republican candidates for supreme judges were successful, and the same party elected circuit judges in the first, second, third, fourth, fifth, sixth and seventh circuits. In the fifth circuit A. W. Campbell, the Republican candidate, had no opposition. In the eighth circuit the Independent candidate was elected.

South Dakota, in the first two years of statehood, had made great progress. Immigration had been steady; the finances of the state were in good condition; the legislature of 1891 had refunded at a low rate of interest one hundred seven thousand five hundred dollars worth of insane hospital and university bonds. This placed the debt where the revenues of the state were able to take care of the interest as it fell due without being stinted in current expenses. The first artesian well in Dakota was sunk at Yankton in 1881, water being struck at the depth of four hundred and sixty feet on the 29th of August. The second was sunk at Aberdeen in 1882.* Under the benign influence of encouraging acts passed by recent legislatures, South Dakota had one hundred and thirty-seven of these wells in operation at the beginning of the year 1894. Twenty-four of these wells were public property; the most of them had been drilled under the act of 1891. The introduction of a uniform school system had greatly improved the character of the schools, and the recent session of the Fort Randall reservation had produced an early and substantial increase in both wealth and population.

In the campaign of 1894 four tickets were presented for the consideration of the electors. Encouraged by the decision of the supreme court, sustaining the validity of the prohibitory law, the Prohibition party placed a full ticket, with the exception of attorney general and railroad commissioners, in the field, and this year it was careful to fulfill all the requirements of the new election

*Statement of Mr. Doane Robinson.

law, so that the names would appear on the ballot. For governor, M. D. Alexander was nominated; for lieutenant-governor, Knute Lewis; secretary of state, J. F. Hanson; auditor, J. R. O'Neill; treasurer, Joseph Harker; superintendent of public instruction, R. B. McClennon; land commissioner, F. J. Carlisle; labor commissioner, A. G. Hunt; members of congress, George A. Ragan and A. Jamieson.

On August 23, the Republican convention met at Yankton. Governor Sheldon, Lieutenant-Governor Herreid, Secretary Thorson, Auditor Hipple and Attorney General Crawford were all renominated. Kirk G. Phillips was named for treasurer; Frank Crane, superintendent of public instruction; J. L. Lockhart, land commissioner; S. A. Wheeler, labor commissioner; G. A. Johnston, E. F. Conklin and J. R. Brennan, railroad commissioners; Robert J. Gamble and John A. Pickler, members of congress. The principal declarations in the platform adopted at this convention were those in favor of a protective tariff; the free coinage of gold and silver at the ratio of sixteen to one; and legislation to curb the trusts, and in opposition to the immigration to the United States of paupers and criminals.

The Democratic convention met on the 5th of September and nominated James A. Ward for governor; B. M. Tunley, lieutenant-governor; J. L. Norris, secretary of state; D. F. Burkholder, auditor; R. A. Mather, treasurer; S. W. Treesh, attorney general; H. J. Davenport, superintendent of public instruction; Casper Fergen, land commissioner; A. G. Williams, labor commissioner; William A. Lynch and Roger F. Connor, members of congress. The platform declared in favor of free trade; the coinage of both gold and silver as standard money at such a ratio as would maintain the parity of the metals; the election of United States senators by popular vote; the enactment of anti-trust laws; legislation to prohibit cabinet and administrative officers from holding stocks in certain corporations and all public officials from holding passes over railroad lines.

The Independent, or Farmers' Alliance ticket, was made up as follows: Governor, Isaac Howe; lieutenant-governor, S. H. Bronson; secretary of state, J. K. Johnson; auditor, E. B. Reed; treasurer, H. B. Wynn; attorney general, T. H. Null; superintendent of public instruction, J. K. Failing; land commissioner, H. P. Smith; labor commissioner, J. M. Booker; members of congress, Freeman Knowles and John E. Kelley.

The entire Republican ticket was elected by majorities ranging from 10,000 to 14,000. At the same time three proposed con-

stitutional amendments, relating to the eligibility of county superintendents, allowing women to vote and limiting exemptions, were all defeated by decisive majorities.

When the new state treasurer, Kirk G. Phillips, took charge of the office, on the 9th day of January, 1895, the books showed a balance on hand amounting to two hundred sixty-seven thousand and twenty dollars and fifty cents, but his predecessor, W. W. Taylor, failed to turn over the funds. Mr. Taylor was sent for to make an explanation, when it was learned that he had absconded. After several months he returned and voluntarily placed himself in custody. He was tried on the charge of embezzlement, to which he pleaded guilty, and the circuit court sentenced him to five years imprisonment in the state's prison. The supreme court afterward reduced his sentence to two years, defining his offense as misuse or appropriation of public funds, instead of embezzlement. Before going to the penitentiary, Taylor turned over to the state cash to the amount of one hundred twenty-seven thousand four hundred forty-two dollars and twenty-four cents and property valued at seventy thousand dollars.

Following the defalcation of the state treasurer, hints were heard that irregularities had occurred in the office of the commissioner of school and public lands. These intimations led to the passage of a joint resolution, by the legislature which was then in session, to appoint a joint committee to investigate the official acts of Thomas J. Ruth, the ex-commissioner. The investigation disclosed the fact that the state had failed to receive several thousand dollars of interest on the school funds in 1893, and that failure, on the part of the commissioner, to apportion the money to the counties, in accordance with the law, left twenty thousand dollars in the hands of state treasurer Taylor, which was lost by his abstraction of the public funds. In their report the joint committee criticised Ruth for inattention to duty, neglect of statutory provisions, and a general disregard for the interests of the public. No charge of intentional wrong doing was made, further than the appropriation of the interest money to his private use. This, with the money lost through the defaulting treasurer, amounted to twenty-seven thousand dollars. Suit was brought against the ex-commissioner and his bondsmen, for that amount. The total shortage in the school funds amounted to ninety-eight thousand four hundred and fifty-four dollars and twenty-eight cents. As soon as the exact shortage was ascertained the legislature passed an act authorizing the issue of ninety-eight thousand dollars worth of bonds to make up the deficit. This act was approved by Gov-

ernor Sheldon on the 12th of March. As a sequence of the shortages in the offices of treasurer and land commissioner, the legislature passed an act providing for a system by which the governor should check the accounts of the treasurer each month.

On February 27, the governor approved an act empowering the executive to accept from the town of Gary, Deuel county, a deed to the courthouse block, and turn the same over to the board of charities and corrections for a blind asylum. By the same act the board of charities and corrections was given authority to employ a superintendent and the necessary instructors, and make suitable rules for the government of the institution, which was to be known as the South Dakota blind asylum. They made no appropriation for the support of the institution, however, until the title to the same was vested in the state, and the state board of charities and corrections had taken the necessary steps for its organization, and had ascertained its probable needs.

United States Sen. Richard F. Pettigrew's first term was to expire on the 4th of March, 1895. At this session of the legislature, he was re-elected for another term of six years.

The spring of 1895 witnessed a large number of farms opened and homes established in the Yankton Indian reservation, chiefly in Charles Mix county. By an agreement made with the Indians of this reservation, December 31, 1892, all unallotted lands in the reservation were ceded to the government. This agreement was not confirmed by congress until late in the summer of 1894, so that little was done toward settling the lands thus ceded until the succeeding year.

March 25, 1896, marked for that year the beginning of the political campaign in South Dakota. That day a Republican convention assembled at Huron and selected delegates to the national convention at St. Louis. Another convention of the same party met at Aberdeen, July 8, to nominate candidates for congress, presidential electors and the various state offices. The ticket nominated was as follows: Presidential electors, Richard J. Woods, John L. Turner, Thomas D. Edwards, and Richard M. Slocum; representatives in congress, Robert J. Gamble and Coe I. Crawford; governor, Amund O. Ringsrud; lieutenant-governor, D. T. Hindman; secretary of state, W. H. Roddle; auditor, H. E. Mayhew; treasurer, Kirk G. Phillips; attorney general, S. V. Jones; superintendent of public instruction, Frank Crane; commissioner of school and public lands, J. L. Lockhart; railroad commissioners, George A. Johnson, N. P. Bromley and David W. McFadden.

When the platform endorsing the action of the Republican national convention was read, twenty-one delegates who believed in the free coinage of silver left the hall in a body. A few days later these twenty-one, with others, held a conference and issued an address to the Republicans of the state, reminding them that "only two years ago the Republicans of South Dakota declared in favor of the free coinage of silver at the ratio of sixteen to one," and urging them to aid in the "restoration of silver to its position as standard money." A committee on ticket and platform was appointed at this conference to co-operate with the state convention of the People's party, which was to meet at Huron on the 14th of July.

Many prominent Democrats were present at the Huron convention; they promised support to the ticket if certain concessions were made in the platform. After numerous consultations between the leaders of both parties, in which concessions were made on both sides, a platform was agreed upon, and submitted to the convention for approval. It declared in favor of the free coinage of silver at the ratio of sixteen to one; the establishment of postal savings banks; the election of United States senators by popular suffrage, and the reclamation by the general government of the land grants that had been made to railroad companies. Andrew E. Lee was nominated for governor; P. R. Crothers, lieutenant governor; J. W. Harden, secretary of state; J. H. Kipp, auditor; W. S. Logan, treasurer; Mel. Grigsby, attorney general; Kate Taubman, superintendent of public instruction; A. M. Allen, land commissioner; W. T. LaFollette, Alex. Kirkpatrick, and William H. Tompkins, railroad commissioners; John E. Kelley and Freeman Knowles, representatives in congress; Henry P. Lason, F. M. Goodykoonts, F. M. McLaFresh and P. M. Ringrose, presidential electors.

The Prohibitionists held a convention at Huron at the same time, and nominated candidates for presidential electors, governor, lieutenant governor, secretary, treasurer, superintendent of public instruction and representatives in congress; but the highest vote any of these candidates received at the election was 722, which were cast for J. F. Hanson for lieutenant-governor, and Knute Lewis for congress.

Delegates to the Democratic national convention were selected by a state convention held at Aberdeen, on the 20th of May. This convention adopted a resolution declaring in opposition to the free and unlimited coinage of silver at the ratio of sixteen to one, but favoring "the present standard of value." This was the

only Democratic convention held in South Dakota during the campaign. A second one to meet at Deadwood on the 27th of August was called; but, acting on the suggestion of those leaders who had been in consultation with the leaders of the People's party at the Huron convention, the Democratic state central committee met August 18, and rescinded the call, and at the same time endorsed the platform, and adopted the state and electoral tickets of the People's party.

The election resulted in the choice of a mixed ticket. The People's party elected their candidates for presidential electors, representatives in congress, governor, attorney general and three railroad commissioners by small majorities and the Republicans the rest of the ticket. On joint ballot the legislature stood seventy-two People's party, or Fusionists, to fifty-six Republicans. Four constitutional amendments were adopted: The first limited county indebtedness to five per cent of the value of taxable property in the county, by a vote of 28,490 to 14,789; the second reduced the number of regents of education to five, by a vote of 31,061 to 11,690; the third excluding all monopolies and trusts from the privilege of doing business in the state, was carried by a vote of 36,763 to 9,136, being the largest majority ever given to any proposition in the state; the fourth was the repeal of the prohibitory section, the vote on which is given elsewhere.

With the assembling of the fifth session of the state legislature, January 8, 1897, the new governor was inaugurated and the other state officers elect, installed in their several positions. Andrew Ericson Lee, the third governor of the State of South Dakota, was born near Bergen, Norway, in 1847. When he was but four years old, his parents immigrated to America and settled in Dane county, Wis. He received the greater part of his schooling in the common and high schools of that county. Upon leaving school he went to McGregor, Ia., where for five years he clerked in a store. At the end of that time he returned to Madison, Wis., where, during the next three years, he followed the same occupation in one of the largest mercantile establishments of that city. From Madison he went to Dakota and located at Vermillion, which has ever since been his home. In 1869 he formed a partnership with Charles E. Prentis, of Vermillion, in farming and mercantile operations. As mayor of Vermillion he came into public notice by reason of a contest between the taxpayers of that city and the water company. The prominence gained during this controversy was no doubt a potent agency in securing for him the nomination for governor in 1896. He was renominated and re-elected in 1898 and declined

a nomination for a third term in 1900. At the close of his second term, he retired from public life and has since given his entire attention to his business interests.

In organizing the legislature of 1897, Lieutenant-Governor Hindman, by virtue of his office, became president of the senate. Louis N. Crill of Elk Point, Union county, was elected president pro tem., and T. M. Simmons of Wessington, Beadle county, was elected secretary. In the house John Colvin of Mitchell, Davison county, was chosen speaker, and Jonas H. Lien, of Sioux Falls, Minnehaha county, chief clerk. Very little important legislation was enacted at this session of the assembly. An act redistricting the state for legislative purposes was passed; United States Sen. James H. Kyle was re-elected by a combination of the Republicans with a portion of the Independents.

Circuit judges were elected in all the judicial circuits in 1897. The Republicans carried the first, second, fourth, fifth and sixth, circuits, and the People's party the third, seventh and eighth.

In February, 1898, Governor Lee removed the insurance commissioner from office, claiming that the deputy commissioner had collected money illegally from insurance companies. The commissioner declined to accept his dismissal from office at the hands of the governor, and appealed to the supreme court, which decided in favor of the governor.

During the period from 1891 to 1894 inclusive, Joseph Freudenfeld had been treasurer of the board of regents of education. Vague rumors that he was short in his accounts reached Governor Lee in the winter of 1897-98, and the public examiner was ordered to investigate. A report was made by the examiner, in April, to the effect that owing to the failures of the Farmers and Merchants bank of Plankinton, and the Chamberlain National bank, Freudenfeld could not turn over the funds due the state. The case was compromised with Freudenfeld and his bondsmen, the state accepting three thousand nine hundred dollars in full of the shortage of nine thousand four hundred and fifty dollars, incurred by the bank failures. A year or two after this compromise was made, the rumors referred to insinuated that there were other shortages outside of the sum lost in the banks. Following the suggestions contained in these reports the public examiner found a deficit of three thousand eight hundred and ninety-seven dollars still remaining after all bank losses had been accounted for. The amount was afterward recovered by the state.

When the state central committee of the People's party met in 1898 to fix a time for holding the state convention, they adopted

a resolution extending an invitation to the free silver Republicans and the Democrats to meet at the same time and place. The Democratic committee passed a resolution declaring that "it is the sense of this committee that all forces opposed to the principles advocated by the Republican party should co-operate." A similar resolution was adopted by the central committee of the free silver Republicans. After the expression of such sentiments as these by the three separate organizations, it was natural that they should work in concord in nominating a ticket and proclaiming a declaration of principles. The platform adopted by the Fusionists, as the alliance of these three political parties came to be called, declared in favor of the free coinage of silver at the ratio of sixteen to one; the issue of all money by the government; the initiative and referendum; and the election of United States senators by popular vote. It denounced "government by injunction" and declared in opposition to all bond issues.

Governor Lee was nominated for re-election without opposition. The rest of the ticket was made up as follows: Lieutenant-governor, F. C. Robinson; secretary of state, George Sparling; auditor, Hugh Smith; treasurer, Maris Taylor; attorney general, C. S. Palmer; superintendent of public instruction, L. F. Kintz; land commissioner, John Scotland; railroad commissioner (only one to be elected), William H. Tompkins; representatives in congress, Freeman Knowles and John E. Kelley.

To oppose this ticket the Republicans met in convention at Mitchell, on the 24th of August, and nominated Kirk G. Phillips, for governor; John T. Kean, for lieutenant-governor; William H. Roddle, secretary of state; James D. Reeves, auditor; John Schamber, treasurer; John L. Pyle, attorney general; E. E. Collins, superintendent of public instruction; David Eastman, land commissioner; William G. Smith, railroad commissioner; R. J. Gamble and C. H. Burke, representatives in congress.

Nominations for all the offices except attorney general were made by the Prohibitionists, and Knute Lewis, the nominee for governor, received 891 votes. Governor Lee was re-elected by a plurality of 370, though the rest of the Fusion ticket was defeated by pluralities ranging from four to five thousand. An amendment to the constitution, favoring woman suffrage, was defeated by 3,016, out of a total vote of nearly 43,000. The amendment adopting the initiative and referendum, received 23,816 votes, to 16,483 against it. This amendment provides that any law passed by the legislature, shall be submitted to the voters of the state at the next general election upon a petition of five

per cent of the voters of the state. This feature is known as the referendum. The initiative is also provided for in that, whenever five per cent of the voters petition the legislature for the enactment of a particular measure, it must be passed by the assembly and submitted to the referendum. Another amendment to be known as article twenty-eight, limiting the amount of school funds loaned to anyone person, firm or corporation to one thousand dollars, was adopted by a majority of 34,336. The amendment, previously mentioned, adopting the dispensary method of controlling the sale of intoxicants, was also ratified at this election.

The sixth biennial session of the general assembly met on the 3rd of January. Carl Gunderson, of Vermillion, was elected president pro tem. of the senate, and J. H. Scriven, of Mitchell, secretary. A. G. Somers, of Strauston, was elected speaker of the house, and Willis C. Bower, of Lead City, chief clerk. While the legislature was in session, a disastrous fire occurred at the insane hospital, at Yankton. Early in the morning of February 12, the fire broke out in a building originally intended as a laundry, but which was being used as a cottage, owing to the crowded condition of the institution. Forty of the unfortunate inmates were housed in the building at the time of the fire, and the flames spread so rapidly that seventeen of them lost their lives. The twelve attendants sleeping there narrowly escaped with their lives. The coroner's jury returned a verdict exonerating the management from all criminal responsibility, but found that "by reason of insufficient appropriations no night watchman had been employed on the hospital grounds for four years." No insurance was carried on the building, which was a total loss to the state. On the 3rd of March the governor approved an act locating an insane asylum at Redfield and appropriating twenty-five thousand dollars out of "any funds not otherwise appropriated," to erect and furnish suitable buildings, and the following October a contract was let for their construction for twenty-two thousand five hundred dollars. Their completion about a year later relieved the over-crowded hospital at Yankton, and made the lot of the unfortunate wards of the state more comfortable.

This session passed an act which was permitted to become a law without the governor's signature, establishing an industrial school and institute of technology at Aberdeen, contingent upon the donation of twenty acres of land "in or adjacent" to that city, for a site. For the "establishment, maintenance, support, use and benefit" of this institution, forty thousand acres of land were set apart, the entire proceeds from sales and rentals to go to the

school. The governor and commissioner of school and public lands were authorized to make a selection of the forty thousand acres from the public domain within a year from the taking effect of the act.

Congress made an appropriation of one hundred and seventy thousand dollars during the session of 1898-99, for the improvement of the Missouri river between Sioux City, Ia., and Bismarck. The plans for these improvements, which were approved by the war department in the spring of 1899, contemplated the expenditure of one hundred thousand dollars of the appropriation at Elk Point, Yankton, Pierre and Fort Pierre. This was cheerful news for the people living along the Missouri river, for the improvement of that stream would not only give better shipping facilities, but it would lessen the liability to destruction like that which occurred in the spring of 1881.

In the war with Spain, the First South Dakota volunteer infantry was taken to the Philippine Islands after the treaty of peace was concluded, and, from February 4, to June 10, 1899, was continually on the firing line. During the four months, the regiment was in twenty-three engagements. Generals McArthur and Otis and Colonel Frost spoke in complimentary terms of the gallant conduct of Captain Van Houghton and Lieutenant Holman, recommending that congress grant medals of honor to them for distinguished bravery while before the enemy. Notwithstanding the men did their duty as soldiers, many of them were dissatisfied with the Philippine service and wrote to Governor Lee asking him to secure their discharge. In response to these letters, Governor Lee wrote to the president, April 10, 1899, requesting the discharge of the regiment. In his message to the legislature in 1901, Governor Lee, referring to this correspondence, said: "The President replied that the regiment would be returned as soon as transportation facilities would permit. Between the date of his promise and his tardy performance, the records show that many transports sailed from Manila to San Francisco carrying no cargoes. An order was issued stating that privates upon making individual application would be discharged. Nearly every private in the regiment attempted to take advantage of this order, but they were prohibited from so doing by their superior officers' acting under directions from the war Department. When the regiment had become totally unfit for further service, it was ordered home." This request of the soldiers to be discharged arose over mistaken political motives.

The regiment was discharged from the service on the 5th of October, 1899, at San Francisco, and four days later the men started for their homes in South Dakota. A sum of money amounting to twenty-eight thousand six hundred and sixty-two dollars and five cents was advanced by some of the counties and placed in the hands of a citizens committee, consisting of F. A. Brown of Aberdeen, Ed. J. Miller of Huron, and state treasurer, John Chamber, to pay the expenses of the trip from San Francisco. To this was added two thousand seven hundred and fifty-four dollars derived from the sale of badges, which was also turned over to the committee. All this except one dollar and thirty-one cents was paid out for sleeping car accommodations and incidental expenses of the journey. From the time they crossed the South Dakota state line, they were given an ovation in every town through which they passed until they reached Aberdeen. Mayor Starr of Deadwood issued a proclamation making Friday, October 13, a holiday in honor of the returning troops, and directed that a salute of forty-five guns be fired upon the arrival of the special train that was bearing them to their homes. It was the intention to have the special train arrive at Aberdeen on the evening of the 13th, that the troops might join in the welcome to President McKinley, then on his Western tour, on the morning of the 14th. But the train was delayed and did not reach there until the Saturday morning nearly a half hour after the president's arrival. Aberdeen was gaily decorated in honor of the president's visit and of the home coming of the soldiers. Columns entwined with the national colors had been set up at short intervals along the principal streets over one of which a triumphal arch had been erected, and flags and streamers were to be seen on every hand. The train was met by an escort of members of the Grand Army of the Republic, and the regiment, with Colonel Frost on horseback at the head, was conducted to the public square where they were welcomed home by President McKinley, who complimented them for their bravery and congratulated them upon their safe return.

While in the Philippines, the regiment lost twenty men killed in action; eight died of wounds; thirty-five died of disease and one was drowned. The people of Watertown have erected a handsome monument in the court-house square, in honor of these veterans of the Spanish-American War.

On November 3, 1899, occurred the election of judges of the supreme court. The Republicans nominated Dighton Corson, Dick Haney and Howard G. Fuller. A convention of Fusionists

met at Mitchell, September 4, and nominated Edmund Smith, a free silver Republican; C. B. Kennedy, of the People's party, and Julian Bennett, a Democrat: The Republican candidates were elected, each receiving a majority of more than five thousand over his opponent. The term of the judges chosen at this election expires in 1905.

In November the Yankton Savings Bank failed with liabilities of about thirty-two thousand dollars. Among the depositors was the treasurer of Yankton county, who had about eight thousand dollars of the county revenues in the bank at the time of the failure. On the 9th of January, 1900, the State bank at Plankinton suspended, with about six thousand dollars of the funds of Aurora county on deposit.

In the political campaign of 1900 five parties—the Republicans, Fusionists, Prohibitionists, Social Democrats and “Middle of the Road” Populists—nominated presidential electors, and all except the social Democrats nominated candidates for state offices. The Republican convention met at Sioux Falls May 23. Thomas Fitch, A. R. Brown, Charles Thompson and Arthur H. Marble were nominated for presidential electors; Charles H. Burke and E. W. Martin, representatives in congress; Charles N. Herreid, for governor; George W. Snow, lieutenant-governor; O. C. Berg, secretary of state; J. D. Reeves, auditor; John Schamber, treasurer; John L. Pyle, attorney general; E. E. Collins, superintendent of public instruction; David Eastman, land commissioner; Frank LeCocq, Jr., railroad commissioner.

A Democratic convention met at Chamberlain on the 6th of June and selected delegates to the national convention at Kansas City. A second convention of the same party was held at Yankton, July 11, in conjunction with one wing of the Populists, or People's party, and the following, known as the Fusion ticket, was nominated: For presidential electors, John P. McElroy, John W. Martin, John M. King and Fred H. Bacon; for representatives in congress, Andrew E. Lee and Joseph B. Moore; for governor, Burre H. Lien; lieutenant-governor, A. L. VanOsdel; secretary of state, Fred B. Smith; Auditor, Frank J. Tracy; treasurer, Charles D. Tidrick; attorney general, Abner E. Hitchcock; land commissioner, W. T. LaFollette.

The Middle of the Road Populists met at Yankton October 4, and nominated Edward J. Tracy, K. Halvorson, Ulrich Bosby and Thomas Thompson for electors; L. E. Stair for governor; Fred Nystrum, secretary of state; Frank Stout, auditor; O. J. Husa-

boe, superintendent of public instruction; I. I. Stearns, land commissioner; A. D. Blundin, railroad commissioner.

The Prohibition electors were J. S. Wilson, E. E. Ostroot, N. G. Rude and A. H. Reed. For the state offices F. J. Carlisle was nominated for governor; L. Lewis, lieutenant-governor; N. J. Davis, secretary of state; J. E. Gamble, auditor; H. H. Curtis, treasurer; George H. Grace, superintendent of public instruction; P. S. Rhodes, land commissioner. Robert W. Hare, W. W. Swan and E. F. Atwood were the electors named by the Social Democrats.

In addition to all these conventions and nominations for the consideration of the voters of the state, a Populist national convention was held at Sioux Falls, on the 9th of May. At this convention William J. Bryan, of Nebraska, was nominated for president, and Charles A. Towne of Minnesota, for vice president. The candidates receiving the highest vote at the election were the presidential electors. This vote was as follows: Fitch, Republican, 54,530; McElroy, Fusionist, 39,544; Wilson, Prohibitionist, 1,542; Thompson, Populist, 339; Hare, Social Democrat, 169. Governor Herreid's plurality was 13,712, and the entire Republican ticket was elected by pluralities varying from 12,000 to 13,000. On joint ballot the legislature stood 117 Republicans to 15 Fusionists.

Charles N. Herreid was born in Wisconsin October 20, 1857. His education was obtained in the University of Galesville, Wis., and the law department of Wisconsin university, from which he graduated in 1882. In January, 1881, he was elected assistant clerk of the Wisconsin assembly, and it is related of him that he sat up all night, studying parliamentary law that he might not make a mistake in recording the proceedings of the house in the daily journal. At the next session of the Wisconsin legislature, he was elected to a similar position in the senate. In 1883 he went to Dakota and began the practice of law in McPherson county. During the next few years he served successively as state's attorney and judge of the county court of McPherson county; member of the board of trustees of the state university, and member of the board of regents of education. In 1892 he was elected lieutenant-governor, and re-elected in 1894. He was elected chairman of the Republican state committee in 1898, and since that time has been a member of the Republican national committee. In 1900 he was elected governor of South Dakota, and entered upon the duties of the office January 8, 1901. In 1902 he was re-elected.

The seventh session of the general assembly, which met on the 8th of January, 1901, made liberal appropriations to several of the public institutions of the state. For a horticultural building at the agricultural college at Brookings ten thousand dollars was appropriated and for an engineering building forty thousand dollars. The legislature of 1895 passed an act accepting, as a gift, the old court house at Gary, for a blind asylum. When the board of trustees went there to make preparations for opening the institution, they found the building in such a dilapidated condition that they refused to proceed further with the establishment of an asylum there. Then the people of Gary, by private contributions, erected a new brick building, supplied with steam heat, etc., which was presented to the board as an inducement to go ahead. On February 14, 1901, 25,000 acres of land were set apart for the endowment of the institution, the superintendent of public instruction and the land commissioner being appointed a committee to select that amount of land from the public domain. An appropriation of ten thousand dollars for additional buildings was also made. At the Madison normal school a new dormitory had not been completed for want of funds. For the completion of this building eleven thousand four hundred and seventy dollars was appropriated, and for a normal school at Springfield seventeen thousand dollars. Other appropriations during the session were three thousand five hundred dollars for a hospital at the school for deaf mutes; thirty thousand dollars for a science hall at the South Dakota university at Vermillion; twenty thousand dollars for the school of mines at Rapid City; thirty-five thousand dollars for the insane hospital at Yankton, and two thousand seven hundred and fifty dollars for completing the building for the feeble minded at Redfield. Robert J. Gamble was elected United States senator to succeed Richard F. Pettigrew. Gamble received 113 votes and Pettigrew 13.

Robert Jackson Gamble was born at Akron, Geneseo county, N. Y., February 7, 1851. When eleven years old, he went with his parents, Robert and Jennie Gamble, to Fox Lake, Wis. In 1874 he graduated from the Lawrence university, after which he took a course at the Wisconsin law school, and was admitted to the bar in 1875. The same year he went to Dakota and located at Yankton. In 1880 he was appointed district attorney for the second judicial district of Dakota. For two years he served as city attorney of Yankton. He was elected state senator under the Sioux Falls constitution of 1885, but, owing to the failure of congress to admit the state, did not take the office. After

the admission of South Dakota as a state, he was elected to congress in 1894, was defeated in 1896 and again elected in 1898, and on the 23d of January, 1901, was elected to the United States senate.

On July 11, Governor Herreid appointed Alfred B. Kittridge of Sioux Falls, United States senator, to finish the unexpired term of Sen. James H. Kyle, who died July 1st. Alfred B. Kittridge is a native of New Hampshire, and a graduate of Yale university. He located at Sioux Falls in 1885, opened a law office and soon came to be regarded as one of the most successful attorneys in Southeastern Dakota. At the time of his appointment to the senate he was forty years of age. His term as senator expired March 4, 1903.

CHAPTER II

Statistics and Reflections

SOUTH DAKOTA, with an area of 77,650 square miles, is bounded on the north by North Dakota, along the line of the seventh standard parallel, on the east by Minnesota and Iowa, on the south by Nebraska and on the west by Montana and Wyoming. Altogether ninety-one counties have been created in the state since the first settlements were made in the southeastern part, less than half a century since. In 1900, fifty-four of these counties were regularly organized.

By the provisions of the constitution, all state officers, except judges, for whose election the legislature may provide a different time, are elected in November of the even numbered years for terms of two years. From the beginning of the state government in 1889, the following is a list of all the state officers, and the years in which they were elected:

Governors: A. C. Mellette, 1889; Charles H. Sheldon, 1892; Andrew E. Lee, 1896; Charles N. Herreid, 1900.

Lieutenant Governor: James H. Fletcher, 1889; George H. Hoffman, 1890; Charles N. Herreid, 1892; D. F. Hindman, 1896; John T. Kean, 1898; George W. Snow, 1900.

Secretaries of State: A. O. Ringsrud, 1889; Thomas Thorson, 1892; W. H. Roddle, 1896; O. C. Berg, 1900.

Auditors: Louis C. Taylor, 1889; J. E. Hipple, 1892; H. E. Mayhew, 1896; James D. Reeves, 1898; John F. Holliday, 1902.

Treasurers: Wilbur F. Smith, 1889; W. W. Taylor, 1890; Kirk G. Phillips, 1894; John Schamber, 1898; Charles B. Collins, 1902.

Attorneys General: Robert Dollard, 1889; Coe I. Crawford,

1892; S. V. Jones, 1896; John L. Pyle,* 1898; A. W. Burtt, 1900.

Superintendents of Public Instruction: Gilbert L. Pinkham, 1889; Cortez Salmon, 1890; Frank Crane, 1894; E. E. Collins, 1898; George W. Nash, 1902.

Land Commissioners: O. H. Parker, 1889; Thomas H. Ruth, 1890; J. L. Lockhart, 1894; David Eastman, 1898; Christ J. Bach, 1902.

Commissioner of Labor and Statistics: R. A. Smith, 1890; Walter McKay, 1892; S. A. Wheeler, 1894.

Railroad commissioners (none elected prior to 1894, and after 1896 only one elected every two years): G. A. Johnston, E. F. Conklin, J. R. Brennan, 1894; W. F. LaFollette, Alexander Kirkpatrick, William H. Tompkins, 1896; William G. Smith, 1898; Frank LeCocq, Jr., 1900; D. H. Smith, 1902.

United States Senators, and date of expiration of their terms: R. F. Pettigrew, first term, 1895, second term, 1901; Gideon C. Moody, 1891; J. H. Kyle, first term, 1897, died before the expiration of his second term, and Alfred B. Kittridge appointed till 1903. Robert J. Gamble, 1907.

Representatives in Congress: Oscar S. Gifford, 1889 to 1890; John A. Pickler, 1889 to 1896; John R. Gamble, 1890 to 1892; W. V. Lucas, 1892 to 1894; Robert J. Gamble, 1894 to 1896 and 1898 to 1900; John E. Kelley, 1896 to 1898; Freeman Knowles, 1896 to 1898; Charles H. Burke, 1898 to —; E. W. Martin, 1900 to —.

Judges of the Supreme Court: Dighton Corson, A. G. Kellam, John E. Bennett, 1889, re-elected 1893; Dighton Corson, Howard G. Fuller, and Dick Haney, 1899.

United States District Judges: Alonzo J. Edgerton, 1889, till his death August 9, 1896; John E. Carland since. (U. S. district court, at Sioux Falls.)

Numerous changes in the boundary lines have occurred during each of the census periods, so that the increase or decrease in the population of many of the counties is influenced by such changes; some showing large increase because of annexation, and others showing a corresponding decrease, caused by part of their territory being taken for the formation of new counties. The most important of these changes taking place since 1880 are here noted as follows:

Pyatt county, formed from unorganized territory in 1883, was

*Died February 2, 1902, before the close of his second term.

changed to Armstrong county in 1896. Jerauld county was created in 1883 from part of Aurora county. The population of Boreman county, which was 534 in 1880, is included in the Standing Rock Indian reservation in 1900. Butte county, originally formed from unorganized territory, and part of Harding county, was increased in 1899 by the annexation of Rinehart, Martin, Choteau, Ewing, Harding and Wagner counties. Between 1880 and 1890 the Sisseton and Wahpeton Indian reservation was divided, and added to Day, Codington, Grant, Roberts and Marshall counties. Marshall county was formed in 1885 from the Indian reservation above mentioned and part of Day county. Part of Grant county was taken to form Roberts county in 1883. Fall River county was organized from part of Custer in 1883. Scobey county was formed from part of Delano in 1883, and both Delano and Scobey were attached to Meade in 1899. Meade county was formed in 1889 from part of Lawrence county. The name of Rusk county was changed to Dewey in 1883, and the population in 1900 is included in the Cheyenne River and Standing Rock Indian reservations. Todd county was annexed to Gregory in 1899. The same year Jackson, Nowlin and Sterling counties, all formed from unorganized territory in 1883, were annexed to Stanley. Pratt and Presho were annexed to Lyman county in 1899. Sanborn was organized from part of Miner county in 1883. Ziebach was annexed to Pennington in 1899. Schuasse county was formed in 1883 from unorganized territory; the population was included in Cheyenne River and Standing Rock Indian reservations. Part of Shannon county was taken in 1883 to form Washington county, which is within the limits of Pine Ridge Indian reservation. Tripp county is within the Rosebud reservation. Washabaugh was organized from part of Lugenbeel and Indian reservation. Both Washabaugh and Lugenbeel are in the Pine Ridge and Rosebud reservations. Washington was organized from part of Shannon in 1883, and the greater part of it lies in the Pine Ridge Indian reservation. The Cheyenne River Indian reservation includes the counties of Armstrong, Dewey, Schuasse and Stanley. The Rosebud reservation consists of the counties of Gregory, Lugenbeel, Lyman, Meyer, Stanley, Tripp and Washabaugh counties. Pine Ridge reservation lies in Lugenbeel, Shannon, Stanley, Washabaugh and Washington counties.

TABLE SHOWING THE ORGANIZED COUNTIES OF SOUTH DAKOTA IN 1900, WITH DATES OF CREATION AND ORGANIZATION, AND PRESENT COUNTY SEAT.

| Counties. | When created. | When organized. | County seat. |
|------------------|---------------|-----------------|---------------------|
| Aurora..... | Feb. 22, 1879 | Aug. 8, 1881 | White Lake. |
| Beadle..... | Jan. 8, 1873 | July 9, 1880 | Huron. |
| Bon Homme..... | Apr. 5, 1862 | 1862 | Tyndall. |
| Brookings..... | Apr. 5, 1862 | Jan. 21, 1871 | Brookings. |
| Brown..... | Feb. 22, 1879 | July 20, 1880 | Aberdeen. |
| Brule..... | Jan. 14, 1875 | Jan. 14, 1875 | Chamberlain. |
| Buffalo..... | Jan. 6, 1864 | Jan. 13, 1871 | Gann Valley. |
| Butte..... | Mar. 5, 1881 | July 11, 1883 | Minnesela. |
| Campbell..... | Jan. 8, 1873 | Nov. 6, 1883 | Mount City. |
| Charles Mix..... | May 6, 1862 | Sept. 1, 1879 | Wheeler. |
| Clark..... | Jan. 8, 1873 | Dec. 21, 1880 | Clark. |
| Clay..... | Apr. 10, 1862 | 1862 | Vermillion. |
| Codington..... | Feb. 15, 1877 | July 19, 1878 | Watertown. |
| Custer..... | Jan. 11, 1875 | Apr. 3, 1877 | Custer. |
| Davison..... | Jan. 8, 1873 | 1873 | Mitchell. |
| Day..... | Feb. 22, 1879 | Dec. 5, 1881 | Webster. |
| Deuel..... | Apr. 15, 1862 | Apr. 26, 1878 | Gary. |
| Douglas..... | Jan. 10, 1873 | July 10, 1882 | Grand View. |
| Edmunds..... | Jan. 8, 1873 | July 14, 1883 | Epwich. |
| Fall River..... | Mar. 6, 1883 | ..... | Hot Springs. |
| Faulk..... | Jan. 8, 1873 | Oct. 25, 1883 | Faulton. |
| Grant..... | Jan. 8, 1873 | June 5, 1878 | Millbank. |
| Gregory..... | May 8, 1862 | ..... | Fort Randall. |
| Hamlin..... | Jan. 8, 1873 | Aug. 12, 1878 | Cast.ewood. |
| Hand..... | Jan. 8, 1873 | July 10, 1862 | Miller. |
| Hanson..... | Jan. 13, 1871 | Jan. 13, 1871 | Alexandria. |
| Hughes..... | Jan. 8, 1873 | Nov. 20, 1880 | Pierre. |
| Hutchinson..... | May 8, 1862 | Jan. 13, 1871 | Olivet. |
| Hyde..... | Jan. 8, 1873 | Apr. 13, 1884 | Highmore. |
| Jerauld..... | Mar. 9, 1883 | Oct. 1, 1883 | Wessington Springs. |
| Kingsbury..... | Jan. 8, 1873 | Dec. 13, 1879 | DeSmet. |
| Lake..... | Jan. 8, 1873 | Sept. 1, 1873 | Madison. |
| Lawrence..... | Jan. 11, 1875 | Mar. 5, 1877 | Deadwood. |
| Lincoln..... | Apr. 15, 1862 | Dec. 30, 1867 | Canton. |
| Lyman..... | Jan. 8, 1883 | ..... | ..... |
| Marshall..... | Mar. 10, 1885 | July 20, 1885 | Britton. |
| McCook..... | Jan. 8, 1873 | May 16, 1878 | Salem. |
| McPherson..... | Jan. 8, 1873 | Nov. 3, 1883 | Leola. |
| Meade..... | 1889 | ..... | ..... |
| Miner..... | Jan. 8, 1873 | Nov. 8, 1880 | Howard. |
| Minnehaha..... | Apr. 15, 1862 | Jan. 4, 1868 | Sioux Falls. |
| Moody..... | Jan. 8, 1873 | Aug. 11, 1873 | Flandreau. |
| Pennington..... | Jan. 4, 1875 | Mar. 5, 1877 | Rapid City. |
| Potter..... | 1873 | Nov. 6, 1883 | Gettysburgh. |
| Presho..... | Jan. 8, 1873 | ..... | ..... |
| Roberts..... | Mar. 8, 1883 | Aug. 1, 1883 | Wilmot. |
| Sanborn..... | Mar. 9, 1883 | June 23, 1883 | Woonsocket. |
| Spink..... | Jan. 8, 1873 | July 22, 1879 | Redfield. |
| Stanley..... | Jan. 8, 1873 | ..... | ..... |
| Sully..... | Jan. 8, 1873 | Apr. 4, 1883 | Onida. |
| Turner..... | Jan. 13, 1871 | Jan. 13, 1871 | Parker. |
| Union..... | 1862 | 1862 | Elk Point. |
| Walworth..... | Jan. 8, 1873 | May 5, 1883 | Bangor. |
| Yankton..... | Apr. 10, 1862 | 1862 | Yankton. |

TABLE SHOWING THE POPULATION OF SOUTH DAKOTA BY COUNTIES, AT EACH UNITED STATES CENSUS SINCE 1870.

(There were no organized counties in the territory in 1860 and only fourteen in 1870, one of which, Pembina, is in North Dakota).

| Counties. | 1870. | 1880. | 1890. | 1900. |
|-------------|-------|--------|--------|--------|
| Armstrong | | | 34 | |
| Aurora | | 69 | 5,045 | 4,011 |
| Beadle | | 1,296 | 9,586 | 8,081 |
| Bon Homme | 608 | 5,478 | 9,057 | 10,379 |
| Boreman* | | 534 | | |
| Brookings | 163 | 4,965 | 10,132 | 12,561 |
| Brown | | 353 | 16,855 | 15,238 |
| Brule | | 238 | 6,737 | 5,401 |
| Buffalo | 246 | 63 | 6,993 | 1,790 |
| Butte | | | 1,037 | 2,907 |
| Campbell | | 50 | 3,510 | 4,527 |
| Charles Mix | 152 | 407 | 4,178 | 8,498 |
| Choteau | | | 8 | |
| Clark | | 114 | 6,728 | 6,942 |
| Clay | 2,621 | 5,001 | 7,509 | 9,516 |
| Codington | | 2,156 | 7,037 | 8,770 |
| Custer | | 996 | 4,891 | 2,728 |
| Davison | | 1,256 | 5,449 | 7,483 |
| Day | | 97 | 9,168 | 12,254 |
| Delano | | | 40 | |
| Deuel | 37 | 2,302 | 4,574 | 6,656 |
| Dewey | | | | |
| Douglas | | 6 | 4,600 | 5,012 |
| Edmunds | | | 4,399 | 4,916 |
| Ewing | | | 16 | |
| Fall River | | | 4,478 | 3,541 |
| Faulk | | 4 | 4,062 | 3,547 |
| Grant | | 3,010 | 6,814 | 9,103 |
| Gregory | | | 295 | 2,211 |
| Hamlin | | 693 | 4,625 | 5,945 |
| Hand | | 153 | 6,546 | 4,525 |
| Hanson | | 1,301 | 4,267 | 4,947 |
| Harding | | | 167 | |
| Hughes | | 268 | 5,014 | 3,684 |
| Hutchinson | 37 | 5,573 | 10,465 | 11,897 |
| Hyde | | | 1,860 | 1,492 |
| Jackson | | | 30 | |
| Jayne | 5 | | | |
| Jerauld | | | 3,605 | 2,798 |
| Kingsbury | | 1,102 | 8,562 | 9,866 |
| Lake | | 2,657 | 7,508 | 9,137 |
| Lawrence | | 13,248 | 11,673 | 17,897 |
| Lincoln | 712 | 5,896 | 9,143 | 12,161 |
| Lugenbeel | | | | |
| Lyman | | 124 | 233 | 2,632 |
| McCook | | 1,283 | 6,448 | 8,689 |
| McPherson | | | 5,490 | 6,327 |
| Marshall | | | 4,544 | 5,942 |
| Martin | | | 7 | |
| Meade | | | 4,640 | 4,907 |
| Meyer | | 115 | | |
| Miner | | 363 | 5,165 | 5,864 |
| Minnehaha | 355 | 8,251 | 21,879 | 23,926 |
| Moody | | 3,915 | 5,941 | 8,326 |
| Nowlin | | 149 | 149 | |
| Pennington | | 2,244 | 6,540 | 5,610 |
| Potter | | | 2,910 | 2,988 |
| Pratt | | | 23 | |
| Presho | | | 181 | |
| Pyatt | | | 34 | |
| Rinehart | | | | |
| Roberts | | | 1,997 | 12,216 |
| Rusk | | 46 | | |

* Boreman county partly in North Dakota.

TABLE SHOWING THE POPULATION OF SOUTH DAKOTA BY COUNTIES, AT EACH UNITED STATES CENSUS SINCE 1870—Continued.

| Counties. | 1870. | 1880. | 1890. | 1900. |
|--------------------------|--------|--------|---------|---------|
| Sanborn..... | | | 4,610 | 4,464 |
| Schasse..... | | | 32 | |
| Scobey..... | | | | |
| Shannon..... | | 113 | | |
| Spink..... | | 447 | 10,581 | 9,487 |
| Stanley..... | | 793 | 1,028 | 1,341 |
| Sterling..... | | 96 | | |
| Sully..... | | 296 | 2,412 | 1,715 |
| Todd..... | 337 | 203 | 188 | |
| Tripp..... | | | | |
| Turner..... | | 5,320 | 10,256 | 13,175 |
| Union..... | 3,507 | 6,813 | 9,130 | 11,153 |
| Wagner..... | | | | |
| Walworth..... | | 46 | 2,153 | 3,839 |
| Washington..... | | | 40 | |
| Washabaugh..... | | | | |
| Yankton..... | 2,097 | 8,390 | 10,444 | 12,649 |
| Siebach..... | | | 510 | |
| Cheyenne Ind. Res..... | | | | 2,357 |
| Pine Ridge Ind. Res..... | | | | 6,827 |
| Rosebud Ind. Res..... | | | | 5,201 |
| Standing Rock Res..... | | | | 1,658 |
| Unorganized Ter..... | 2,091 | | | |
| Total..... | 12,968 | 93,268 | 328,808 | 401,570 |

While South Dakota was still a territory, Bishop Hare, in speaking of its wonderful progress, said: "You may stand ankle-deep in the short-burned grass of an uninhabited wilderness. Next month a railroad train glides over the waste. I have ridden into Dakota valley and pitched my tent. Lolling on my buffalo robe, I looked around and saw nothing but a wolf. When I visited the valley next year, lo! a train of Pullman palace cars. I camped on the flat bottom of land near the Missouri river that same trip. There was only a log hut with a mud roof. No other sign of civilization. Within a year I revisited the spot, and lo! there was a town of two thousand."

This is a good word picture of the growth and development of the state. From the early settlements in Clay, Union and Yankton counties the population rapidly spread toward the north and west, carrying the arts and customs of civilization into a land hitherto peopled only by savages. The native looked with wondering eyes at the encroachments upon his hunting grounds, and, unable to withstand the current of advancing civilization, wrapped his blanket about him and turned his face toward the setting sun. The Indian tepee has given way to the school house, and the printing press has supplanted the pow wow of the medicine man. Undismayed by floods, droughts or the devastations of grasshoppers, these pioneers have gone steadily forward, transforming a

desert waste into a country of homes. Cities, such as Watertown and Sioux Falls in the east; Yankton, Chamberlain and Pierre on the Missouri river; Deadwood and Rapid City in the Black Hills country, rival in modern conveniences many of the older cities of the country.

By wise provision in the organic law, a permanent fund has been established for the maintenance of public school system. This fund has increased, keeping pace with a growing population, thus insuring adequate means of education for all time to come. Factories have come along with the general development, until almost everything necessary for man's use and comfort, is manufactured within the borders of the state. From the rich veins of the precious metal in the Black Hills, millions of dollars have been taken, and the vast treasures there have as yet scarcely been touched. Fine public buildings, constructed of the famous Sioux Falls granite, adorn, not only the cities of South Dakota, but of other states. Lines of railroad span the state in all directions, and miles of navigable rivers flow through fertile valleys, affording transportation facilities to a rapidly growing commerce. Scattered through these valleys are hundreds of farms, whose crops and herds bear witness to the industry and prosperity of the inhabitants. Children born in Dakota, while it was a territory, have not yet reached maturity, yet in these few years the population has increased to half a million, and the wealth of the state to five hundred million dollars. Such, briefly told, has been the progress of South Dakota, and the promises for the future are as bright as the achievements of the past.



JOHN HENRY WORST

State of North Dakota

Hon. John Henry Worst, LL. D.

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North Dakota

CHAPTER I

North Dakota, State Government

NORTH DAKOTA was fortunate in having for her first governor, John Miller, a man accustomed to the management of large affairs. He was born at Dryden, N. Y., October 29, 1843. During his boyhood he worked on the farm belonging to his father, attending the public schools and the Dryden academy through the winter months. Upon reaching his majority he engaged in the mercantile business at Dryden until 1880 when he removed to Dakota. Here he became interested in wheat growing on a large scale. At that time considerable was heard about the "bonanza" farms of Dakota. Chief among these were the Dalrymple farm of 10,000 acres; the Grandin farm of about 16,000 acres; the Dwight Farm & Land Company of 12,000 acres, and the Elk Valley farm of 5,000 acres. Governor Miller became associated with the Dwight company soon after going to the territory. He was also interested in real estate operations of rather large proportions. In 1888 he was elected to the territorial council, and after the admission of the state was elected governor in 1889. While governor the Louisiana lottery tried to get a foothold in North Dakota, but he was successful in his efforts to keep it out. He refused a second term and in 1896 removed to Duluth, Minn., where he organized the John Miller Company, commission grain merchants, of which he was president at the beginning of 1902.

In his message to the legislature of 1889 Governor Miller estimated the state's expenses at \$380,769.35 and the receipts at \$271,898.55, leaving a deficit of \$108,870.80.

One of the necessities, therefore, that confronted the first session of the state legislature of North Dakota, which was convened November 1, 1889, and remained in session till March 18, 1890, was the necessity of providing revenues for the support of the state institutions. By the division of the territory the sources of income had been disturbed, and some time must unavoidably elapse before the taxes, levied by the new state government would become available. In this emergency an act was passed, authorizing the issue of bonds to the amount of two hundred thousand dollars to defray current expenses. These bonds were to bear interest at the rate of $4\frac{1}{2}$ per cent and were made payable in fifteen years. Retrenchment was practiced wherever it was possible to do so without injury. For example, the provisions of the militia law, relating to the office of adjutant general, and the holding of annual encampments, were suspended until 1893 to save expenses. Notwithstanding this resort to the most rigid economy in numerous instances, the charitable and educational institutions were not permitted to go without adequate support. Not only were the established institutions provided for, but in pursuance of constitutional provisions new ones were founded. The establishment of these new institutions added nothing to the bonded debt of the state. By a proviso in the enabling act 500,000 acres of land were set apart for the benefit of the schools, prisons and benevolent asylums of North Dakota. It was this donation of congress that was made use of by the first state legislature to endow the institutions it established.

An academy of science was located at Wahpeton, and 40,000 acres of land were appropriated for its support. As none of the congressional grant of land could be sold for less than ten dollars an acre, the board of trustees were ordered to receive advances of money from individuals for the erection of buildings, etc., and issue certificates of indebtedness, bearing six per cent interest, to be paid out of the proceeds of the sale of lands.

The normal school at Mayville in Traill county was established in a similar way, 30,000 acres of land being set apart for its benefit. Another normal school at Valley City in Barnes county was given 50,000 acres. The act creating the Valley City school also provided that the directors should receive no salary, and that no warrant in its favor should be drawn on the state treasury until there

had been accumulated a fund of five thousand dollars derived either from the rents or sales of land or by private donations.

For the reform school at Mandan in Morton county, 40,000 acres were appropriated. Other institutions located were the agricultural college at Fargo; the soldiers' home at Lisbon, and the school for deaf mutes at Devil's Lake. For the last named an appropriation of five thousand dollars was made. The bill making the appropriation was vetoed by Governor Miller, but was passed over his veto. The governor, superintendent of public instruction, attorney general, secretary, and auditor of state were given full control of selecting, leasing or selling the public lands of the state, and of the investment of the permanent funds. In order to encourage certain industries there were passed acts offering bounties of two dollars for each 100 pounds of binding twine made in the state; one dollar for every 100 pounds of starch manufactured in the state from potatoes grown in the state, and three dollars an acre for ten years to any person planting one or more acres with forest trees and successfully cultivating them for three years. To earn this bounty there must be at least 400 living trees to the acre at the end of the third year. A bounty of four dollars for each 100 rods of hedge along the highway was also offered.

A stringent prohibition law was passed and went into effect July 1, 1890. Manufacturing or importing, for sale or gift, or having in one's possession for sale or gift, any intoxicating liquors, was punishable by a fine of not less than two hundred dollars nor more than one thousand dollars; to which was added imprisonment in the county jail for not less than ninety days nor more than one year. For a second offense the term of imprisonment was increased to not less than one nor more than two years. Registered pharmacists were permitted to sell liquors for medicinal, scientific, mechanical or sacramental purposes, but a permit to sell as a druggist could only be obtained from the county court upon presentation of a petition signed by twenty-five reputable freeholders and the same number of women. Before this law went into effect the famous "original package" decision of the United States supreme court rendered its provisions void, so far as concerned goods in original packages (casks or bottles) and bearing a United States revenue stamp. That agriculture might be encouraged, a state board of agriculture was created and provisions were made for an annual exhibit of products at Grand Forks.

Probably owing to the fact that the two constitutional conventions of North and South Dakota were held at the same time,

and that there were men in each convention who were thoroughly familiar with the constitution drafted by the Sioux Falls convention in 1885, there is a striking similarity in the organic law of the two states. In the constitution of North Dakota the declaration of rights reiterates the inalienable right as set forth in the Declaration of Independence; declares that all political power is inherent in the people; that the right of trial by jury shall remain inviolate; that all laws enacted by the legislature shall be uniform in their operation; that there shall never be imprisonment for debt in the State; that every man shall have redress in the courts for injury to person or property; that the right to seek employment shall never be denied or abridged, and that every man shall have the right to write, speak and publish his opinion on any and all subjects, but must be held accountable for any abuse of this privilege.

The law making power is vested in a legislature, consisting of a senate of not less than thirty nor more than fifty members, and a house of representatives of not less than fifty nor more than one hundred and forty members. Senators are elected for four, and representatives for two years. The executive power is vested in the governor, and the judicial power in a supreme court of three members, elected every six years; the circuit courts of six judicial districts, and the courts of the several counties. As established by the constitution the judicial districts were as follows:

First district: The counties of Pembina, Cavalier, Walsh, Nelson and Grand Forks.

Second district: Ramsey, Towner, Benson, Pierce, Rolette, Bottineau, McHenry, Church, Renville, Ward, Stevens, Mount-raille, Garfield, Flannery and Buford counties.

Third district: The counties of Cass, Steele and Traill.

Fourth district: Richland, Ransom, Sargent, Dickey and McIntosh counties.

Fifth district: Logan, LaMoure, Stutsman, Barnes, Wells, Foster, Eddy and Griggs counties.

Sixth district: Burleigh, Emmons, Kidder, Sheridan, McLean, Morton, Oliver, Mercer, Williams, Stark, Hettinger, Bowman, Billings, McKenzie, Dunn, Wallace and Allred counties, and that part of the Sioux reservation lying north of the seventh standard parallel.

Salaries of state officers are fixed by the constitution, the governor receiving three thousand dollars per year, the lieutenant-governor one thousand dollars; the secretary, auditor, treasurer,

superintendent of public instruction, attorney general, insurance commissioner and railroad commissioners, two thousand dollars each.

Electors are declared to be all male persons over the age of twenty-one years, who have been in the State one year, the county six months, and in the precinct ninety days immediately preceding the election. The legislature is given the power to extend the right of suffrage to women.

The article relating to private corporations declares that there shall be no special laws passed at any time, granting favors to any corporation; that no franchise shall be granted to any telegraph, telephone, street railway or electric lighting company, without the full knowledge and consent of the local authorities where said corporation intends to conduct its business; and whenever two or more corporations combine for the purpose of shutting off competition and controlling prices, such action is declared to be unlawful and the charters and franchises of such corporations thereby rendered void.

Proceeds from the sales or rentals of lands donated by congress for the benefit of the public schools shall go into a permanent fund which may be increased, but shall at no time be permitted to decrease. The public schools, maintained by the income from this permanent fund, shall be open to all. Taxes shall be uniform on all property; the only property exempt from this provision being that belonging to the State or the United States, or that used for religious, educational or charitable purposes. Personal property to the amount of two hundred dollars may be made exempt by act of the legislature, but the exemption shall apply to all citizens alike. In the case of railroads the legislature is given the power to provide by suitable legislation for the payment of a per cent of their gross earnings in lieu of all other taxation.

At the end of the first fiscal year the finances of the State showed a total indebtedness of six hundred eighty-nine thousand eight hundred seven dollars and forty-six cents. The bonds assumed from the old territorial debt were as follows: For the insane hospital at Jamestown, two hundred sixty-six thousand dollars; for the University of North Dakota at Grand Forks, ninety-six thousand seven hundred dollars; for the penitentiary at Bismarck, ninety-three thousand six hundred dollars; refunding the capitol building warrants, eighty-three thousand five hundred seven dollars and forty-six cents. To this must be added

the bond issue authorized by the first legislature, except fifty thousand dollars which was used for refunding purposes.

The first political campaign in the State of North Dakota was inaugurated July 29, 1890, when the Republican convention assembled at Grand Forks to nominate candidates for the various state offices and a representative in congress. After the adoption of a platform declaring in favor of a protective tariff, particularly on wool, in favor of the passage of a law insuring to the people of the State the transportation of their products, lumber, coal and grain especially, without the vexatious action of rings and monopolies, and in favor of the strict enforcement of the prohibitory law, the following ticket was nominated: For governor, Andrew H. Burke; lieutenant governor, Roger Allin; secretary of state; C. E. Meech, auditor; J. P. Baker, treasurer; L. E. Booker; attorney general, C. A. M. Spencer; superintendent of public instruction, John Ogden; commissioner of agriculture, H. T. Helgesen; insurance commissioner, A. L. Carey; railroad commissioners, George H. Walsh, Andrew Slotten, George W. Harmon; representative in congress, Martin N. Johnson.

On the 6th of August the Democrats held their convention at Grand Forks. William N. Roach was nominated for governor; George P. Garred for lieutenant governor; Frank A. Wilson, secretary of state; C. E. Meech, auditor; J. P. Baker, treasurer; J. V. Brooks, attorney general; Laura J. Eisenhuth, superintendent of public instruction; J. Harstad, commissioner of agriculture; F. S. Serumgaard, insurance commissioner; L. H. Low, B. B. Stevens, N. H. Rinde, railroad commissioners; John D. Benton, representative in congress.

The platform declared in favor of a free, fair, intelligent and secret ballot; urged the state legislature to carry out the provisions of the constitution regarding the election franchise, and demanded the free and unrestricted coinage of silver and an increase of currency and a volume of money equal to the requirements of the constantly increasing business of the country to facilitate the payments of all debts. It declared in opposition to "all sumptuary laws which vex the citizens and interfere with individual liberty; and we declare in favor of a resubmission to the people of a prohibition amendment."

On September 25, the Prohibitionists and the Farmers' Alliance met at Grand Forks, effected a coalition, and nominated the following ticket: For governor, Walter Muir; auditor, H. R. Dickieson; treasurer, Knud Nomland; attorney general, N. C.

Young; railroad commissioner, Ezra Turner. Roger Allin, A. L. Carey, Andrew Slotten and M. N. Johnson on the Republican ticket, and Frank A. Wilson, Miss Eisenhuth and B. B. Stevens on the Democratic ticket were endorsed, and no nominations for the offices for which they were candidates were made. In the platform they made demands for the Australian ballot; for the enforcement of prohibition; for government ownership of railroads, telegraph lines and coal mines; for an income tax law; for the free coinage of gold and silver; for the repeal of the war tariff; for government loans upon real estate and for sub-treasuries for the storage of grain. It was recommended that the government should loan money at low rates to farmers on their grain.

Several vacancies on the Democratic ticket occurred before the election. C. E. Meech, the candidate for auditor of state, died late in August, and William Braithwaite was placed on the ticket by the state committee. Messrs. Baker, Brooke, Harstad and Serungaard withdrew from the ticket, and the committee filled the vacancies by nominating Knud Nomland for treasurer, Burke Corbett for attorney general, Robert Ewing for commissioner of agriculture, and W. H. Makee for insurance commissioner.

At the election in November, the entire Republican ticket was successful. Burke, for governor, received 19,053 votes; Roach, 12,604, and Muir, 4,820. Those candidates endorsed by the Alliance and Prohibition convention received larger pluralities than the others by 3,000 to 4,000 votes. The legislature on joint ballot stood, Republicans 61, Democrats 21, Alliance and Prohibition 11. Governor Burke began his administration with the beginning of the second session of the state legislature, which was convened January 6, 1891.

Andrew H. Burke, the second governor of the State of North Dakota, was born in New York City on the 15th day of May, 1850. When he was eight years old, the Children's Aid Society of New York sent him to a home in Indiana. In 1862 he enlisted in the Union army as a drummer boy and served till the close of the war. After the war was over he returned to his Indiana home, and soon afterward entered Asbury (now DePauw) university at Greencastle. Owing to the breaking down of his health, brought on by overstudy, he was not graduated. From the time he left school until 1880 he was engaged in various business enterprises in Indiana, in all of which he met with success. In 1880 he removed to Dakota, which was then a Territory, and settled in Cass county, where he became identified with the First

National bank of Casselton, and rose to be its cashier. In 1884 he was elected treasurer of Cass county, and was twice re-elected. This was the only office he ever held until he was elected governor in 1890. During the summer of 1891 the grasshoppers started in to ravish the State. Governor Burke promptly took vigorous measures to exterminate them, and for lack of a state appropriation made large draughts upon his private means to carry out his purpose. At the Republican convention at Fargo, August 9, 1892, he was nominated by acclamation for a re-election, but was defeated by the Fusion candidate, E. C. D. Shortridge. He is an active member of the Grand Army of the Republic, and is well known in Grand Army circles as one of the youngest soldiers in the Federal army during the Civil war.

The second session of the legislature was continued sixty days, the limit prescribed by the constitution. The most important acts passed in that time were to promote irrigation; to appropriate twenty-five thousand dollars for a state exhibit at the World's Columbian Exposition to be held in Chicago in 1893; to destroy noxious weeds; to locate a blind asylum in Pembina county, and to make appropriations for the normal schools at Mayville and Valley City, which, up to this time, had been supported by voluntary contributions.

A proposition to resubmit the prohibition amendment passed the house by a vote of 32 to 29 and was sent to the senate, where it was adopted by the narrow margin of one vote—16 for to 15 against. Not many days afterward the senate expunged all record of the transaction by a vote of 18 to 12, and the proposal to resubmit was consequently lost. Henry C. Hansbrough, of Devil's Lake, was elected United States senator to succeed ex-Governor Pierce, whose term expired March 4.

Henry Clay Hansbrough was born at Prairie du Rocher, Randolph county, Ill., January 30, 1848. At the age of nineteen, with only a common school education and a small amount of money, he went to California where he learned the printer's trade in two years, and in 1869 began the publication of a daily paper at San Jose, Cal. About a year later he sold out and took a position with the *San Francisco Chronicle*. He remained with this paper until 1879, when he removed to Baraboo, Wis., and took charge of a paper there; which he conducted successfully until 1882, when he joined the tide of emigration for Dakota. Locating at Devil's Lake, he again engaged in the business of journalism. His writings soon brought him into public notice, and he was twice elected mayor of his city. In 1888 he was dele-

gate to the Republican National convention, and was elected representative in congress upon the admission of North Dakota in 1889. His services in the lower house of congress were so satisfactory that he was elected to the senate in 1891, and upon the expiration of his first term was re-elected, his second term expiring March 4, 1903.

During the year 1891 about 30,000 acres of school lands were sold at an average price of nineteen and one half dollars, thus adding nearly six hundred thousand dollars to the permanent school fund. Of this, one hundred fifteen thousand dollars was paid in cash and the remainder was paid in annual installments, all deferred payments bearing interest at the rate of six per cent per annum.

By an act of congress, approved March 3, 1891, the Mandan and Gros Ventres Indians ceded the northern and northwestern portions of the Fort Berthold reservation to the government, and the lands thus acquired were added to the public domain. The same act confirmed the agreement previously made with the Sisseton and Wahpeton bands, by which the Indians ceded to the United States all the unallotted lands in the Lake Traverse reservation.

In the spring of 1892 it was discovered that neither the constitution nor laws of the State contained any provision for the election of presidential electors, or for the canvass of the vote. Governor Burke therefore issued a proclamation, May 11, calling a special session of the legislature, to meet on the 1st of June, for the purpose of remedying the oversight. The session lasted but three days, during which time three bills were passed. The first provided for the election of presidential electors, fixed their compensation, established a state canvassing board, and made an appropriation to defray the expenses of electors and canvassing board. In response to a general sentiment an act making an additional appropriation of twelve thousand five hundred dollars to the World's Fair exhibit was passed. The third act was one requiring railroads to provide facilities for loading and unloading live stock.

On August 2, 1892, a Republican convention met at Fargo and nominated the following candidates for state offices: For governor, Andrew H. Burke, renominated by acclamation; lieutenant-governor, C. A. M. Spencer; secretary of state, C. M. Dahl; auditor, C. S. Walker; treasurer, L. E. Booker; superintendent of public instruction, J. M. Devine; attorney general, P. H. Rourke; commissioner of agriculture and labor, D. H.

McMillan; railroad commissioners, W. G. Lockhart, N. C. Lawrence, and C. F. Wilbur; for representative in congress, Martin N. Johnson. The platform endorsed the administrations of President Harrison and Governor Burke and the record of Representative M. N. Johnson, and declared in favor of liberal appropriations for the purpose of making a proper exhibit of the products and resources of the State at the World's Exposition.

The Independent or Farmers' Alliance party, by a convention held at Valley City on the 16th of June, had already placed a ticket in the field. The following candidates were nominated: For governor, E. C. D. Shortridge; lieutenant-governor, Elmer D. Wallace; secretary of state, Kemper Peabody; auditor, Arthur W. Porter; treasurer, Knud J. Nomland; superintendent of public instruction, Laura J. Eisenhuth; insurance commissioner, James Cudhie; attorney general, William H. Standish; commissioner of agriculture and labor, George E. Adams; railroad commissioners, Peter Cameron, Nels P. Rasmussen and Benjamin B. Stevens; representative in congress, Hans A. Foss. The platform of the previous campaign was adopted with very little modification.

On September 6, the Democratic party held a convention at Fargo, and after a prolonged debate the convention decided to endorse the candidates nominated by the Independents at Valley City, presidential electors included. The only nomination made by this convention was that of James F. O'Brien for congress. No platform was adopted.

The Prohibitionists met in convention at Fargo September 7, nominated presidential electors, and Roger Allin for governor, but the nomination was declined. A few of the Republican candidates and some of the Independents were adopted, and the remainder of the ticket was left vacant.

The tenure of office of the judges of the supreme court is fixed by the constitution at six years. One of these judges is elected every two years. In 1892 Guy C. H. Corliss was nominated by all the conventions and was therefore elected without opposition. With the exception of Judge Corliss, and the Republican candidates for congressman and secretary of state, the Independent, or Fusion ticket was successful at the election in November. Shortridge for governor received 18,995 votes to 17,236 cast for Burke. The returns of the votes for president gave Gen. J. B. Weaver, the candidate of the People's party, 17,700; Gen. Benjamin Harrison, Republican, 17,519, John Bidwell, Prohibitionist, 899. In the legislature the Republicans elected a majority in each branch,

the senate standing 19 Republicans, 6 Democrats and 6 Independents, the house 31 Republicans, 15 Democrats and 15 Independents.

An amendment to the constitution, authorizing an increase of the debt limit to five mills on the dollar, was submitted to the voters of the state at this election, but was defeated by a majority of 6,752.

On January 3, 1893, the legislature assembled at Bismarck. One of the duties of this session was the election of a United States senator to succeed Lyman R. Casey. Although the Republicans had a majority of eight on joint ballot, they could not agree upon a candidate. Five Republicans were voted for on the first joint ballot, which was taken on the 18th of January. The Republican vote was divided among these five candidates as follows: J. H. Worst, 13; Lyman R. Casey, 11; W. J. Anderson, 9; James R. Smith, 8; Richard T. Kingman, 7; William N. Roach, Democrat, 23, Walter Muir, Independent, 17, and 4 were reported as scattering. The balloting continued until January 26, the Democrats and Independents several times giving their entire support to John D. Benton, a Democrat. On the 26th the first Republican caucus was held, attended by the thirty-seven Republicans who had signed the call. At this caucus Senator Casey was nominated for re-election, and on the next day, and for several days thereafter received the 37 votes of those who had agreed upon him as the caucus nominee. In the meantime the thirteen Republicans who did not attend the party caucus held a meeting of their own, but decided upon no particular course to pursue. Finding all attempts vain to induce these thirteen to vote with the majority, Senator Casey withdrew from the race. Upon his withdrawal another Republican caucus was held which was attended by a larger number than the former one, but the dissensions that existed could not be overcome. Altogether, 72 ballots were taken in an effort to agree upon a party candidate, but without success. Balloting continued from day to day in the joint sessions, until February 20, when ten Republicans deserted their party and voted for William N. Roach, who received at the same time the full vote of the Democrats and Independent members. This was the sixty-first joint ballot, and resulted in the election of Roach, who received 50 votes; Lyman R. Casey receiving 23; John Miller 16, and 3 scattering.

William Nathaniel Roach was born in Washington, D. C., September 25, 1840. He was educated in the public schools of that

city and Georgetown College. During the Civil war he served as a clerk in the quartermaster's department, and after the war engaged in various business enterprises, among them being a number of mail contracts. In 1879 he removed to Dakota, where he again became interested in mail contracts throughout the Northwest. From 1883 to 1887 he was mayor of the city of Larimore, and in 1885 was also a member of the territorial legislature. He was nominated by the Democrats for governor of North Dakota in 1889, and again in 1890. The first time he was defeated by John Miller, and the second time by Andrew H. Burke. His term as United States senator expired on the 4th of March, 1899, when he was succeeded by P. J. McCumber.

From the time the constitution of North Dakota was adopted, the question of permitting lotteries to operate in the state had been agitated. An amendment to the constitution prohibiting lotteries in any form was passed by the legislature of 1893, and ratified by the people at the general election the following year. Several acts concerning railroads were passed during the session, the most important being those fixing the maximum freight rates on coal between points within the state, and providing for union or transfer switches at the crossings or intersections of roads. An appropriation of one hundred thousand dollars for the purpose of building a state elevator at Duluth or Superior was made. The bill provided that a commission should expend the appropriation and that only North Dakota wheat should be stored in the elevator at reasonable charges to be fixed by the commission. Other appropriations were fifty thousand dollars for the construction of the south wing of the capitol according to the original plans and an issue of four and one-half per cent bonds authorized to obtain the amount; fifty thousand dollars for the erection of a dormitory and certain other improvements at the agricultural college at Fargo, and an additional fifteen thousand dollars for the state exhibit at the World's Columbian Exposition.

A commission to revise and codify the state laws had been appointed in 1891, but had done nothing for lack of time. Another commission was provided for at this session, and Charles F. Amidon, Burke Corbet and George W. Newton were appointed, with instructions to report to the next general assembly. These commissioners did their work well, their report being adopted by the legislature of 1895, to be known as the revised codes and to be in force thirty days after the governor issued a proclamation to that effect. Few states in the Union

have as simple and at the same time as comprehensive a code of laws, and certainly no state has a code that is superior to that of North Dakota.

As the session was drawing to a close, Governor Shortridge sent to the senate a list of names of the persons he had appointed to be trustees of the agricultural college at Fargo, and the penitentiary at Bismarck, but the senate refused to confirm the appointments. After the legislature adjourned the governor issued commissions to the men he had appointed, but now a new difficulty ensued. The old boards refused to vacate, claiming that the confirmation of the senate was necessary to properly qualify their successors. A test case which was carried to the supreme court of the state was made, and that tribunal decided in favor of the old trustees. Soon after this decision was rendered, the governor notified the trustees of the agricultural college that they were suspended, pending an investigation by the public examiner. The report of the examiner was returned to the governor early in September, and on the 7th of that month Governor Shortridge dismissed the trustees "for misconduct and incompetency," and appointed a new board. Again the question was carried to the supreme court, and again it was decided adversely to the governor.

The first political convention held in 1894 was that of the Independent party which met at Jamestown, on the 14th of June, and nominated the following ticket: Elmer D. Wallace, for governor; Lars A. Ueland, lieutenant-governor; Gilbert P. Slette, secretary; Arthur W. Porter, auditor; Knud J. Nomland, treasurer; Laura J. Eisenhuth, superintendent of public instruction; James Cudhie, insurance commissioner; William H. Standish, attorney general; Milton F. Merchant, commissioner of agriculture; Thomas C. Kennelly, Peter Cameron and Benjamin B. Stevens, railroad commissioners; Walter Muir, representative in congress, and George W. Newton for judge of the supreme court.

Free and unlimited coinage of both gold and silver, supplemented by legal tender notes to the amount of fifty dollars per capita; government ownership of railroads, telegraph and telephone lines, and the initiative and referendum were the principal measures favored by the platform adopted.

On July 18, the Republican convention assembled at Grand Forks. The platform declared in favor of a protective tariff; arbitration as a means of settling questions in dispute in labor troubles; the free coinage of the silver produced in the United States, and opposed the "fiat paper money" policy of the Popu-

lists. Roger Allin, of Walsh county, was nominated for governor; John H. Worst, lieutenant-governor; C. M. Dahl, secretary of state; Frank A. Briggs, auditor; George E. Nichols, treasurer; Emma F. Bates, superintendent of public instruction; John F. Cowan, attorney general; Frederick B. Fancher, insurance commissioner; Andrew H. Laughlin, commissioner of agriculture; John W. Currie, George H. Keyes and John J. Wamberg, railroad commissioners; Joseph M. Bartholomew, judge of the supreme court, and Martin N. Johnson for representative in congress.

The Democratic convention met at Grand Forks July 26, and adopted most of the nominations made by the Independents. F. M. Kinter was nominated for governor; M. Sheehan for railroad commissioner; John Burke for attorney general; George Kurtz for commissioner of agriculture; C. F. Templeton for judge of the supreme court, and N. G. Larimore for congress. Sheehan, Kurtz and Larimore were afterward withdrawn in favor of the Independent candidates, leaving Kinter, Burke and Templeton the only Democratic candidates to be voted for in November. Governor Shortridge was endorsed in the platform. The coinage of both gold and silver at such a ratio as would maintain a parity was demanded, and to secure this result a change in either the gold or silver dollar was favored.

On the last day of July about two hundred Prohibitionists assembled at Fargo to nominate a ticket. A plédge to support the ticket was required of every one taking part in the convention, and a large number went away. Some of the Independent candidates were adopted, a few new ones nominated, but most of the Republican ticket was endorsed.

In accordance with the decision of the attorney general, to the effect that women having the same qualifications as men were entitled to vote for school officers, about 5,000 women voted for superintendent of public instruction at this election. The entire Republican ticket was elected, the vote for governor being as follows: Allin, Republican, 23,723; Kinter, Democrat, 8,188; Wallace, Independent, 9,354. In the legislature the Republicans elected 25 members of the senate, the Democrats 2 and the Independents 4. The house stood, Republicans 59, Democrats 5, Independents 8.

Roger Allin, the fourth governor of the State of North Dakota, was born at Broadworthy, England, December 18, 1848. Soon after his birth his father died. About two years later his mother married William Bond, and with her second husband, came to

Canada bringing Roger with her. The family settled at Oshawa in the province of Ontario. Here he attended the common schools and the Oshawa high school. At the age of twenty he went to Michigan where for ten years he was engaged in farming. In 1878 he removed to North Dakota and entered a tract of land, near Grafton in Walsh county, which has ever since been his home. On March 22, 1881, he was married to Miss Isabella McKenzie of Grand Forks. When the Farmers' Alliance movement started, he took an active interest in it, and soon became one of the most prominent leaders of the organization in the state. The first office ever held by him was that of justice of the peace in Walsh county. In 1886 he was elected to the council in the territorial legislature, and was re-elected in 1888. He was elected a delegate to the constitutional convention at Bismarck, July 4, 1889, and was influential in securing the incorporation of the prohibition law in the constitution. At the same election that adopted the constitution, he was elected to the state senate from the third district. The following year he was nominated by the Republicans for lieutenant-governor, and was elected to that office in November, 1890. At the convention of 1894 he was nominated for governor by acclamation, and was inaugurated January 8, 1895, at the beginning of the legislative session. After his term of office as governor expired he was appointed, by Governor Briggs, a member of the board of regents of the agricultural college at Fargo. His farm, near Grafton, is one of the finest in that region.

The legislature of 1895 made liberal appropriations to the public institutions of the state. For new buildings at the agricultural college, \$11,250 was appropriated; for a residence for the governor \$1,000; for maintenance of the insane hospital at Jamestown (for two years) \$127,500; for the Mayville normal school, \$7,700; for the normal school at Valley City, \$4,600; for the penitentiary at Bismarck (maintenance for two years) \$53,440; for the soldiers' home at Lisbon, \$11,900; for the state university at Grand Forks, \$15,980; for the deaf and dumb institute at Devil's Lake, \$23,250. In addition to these appropriations an act locating a blind asylum at Bathgate in Pembina county was passed, and thirty thousand acres of the land donated by congress were set apart for its establishment and support. The first state legislature had allotted forty thousand acres of land to a reform school, to be located at Mandan. This act had been amended by the succeeding legislature, and on the 14th of March, 1895, all previous legislation on the subject was repealed, and the board of

trustees was authorized to issue certificates of indebtedness, bearing six per cent interest, to the amount of twenty thousand dollars, for the benefit of the school. The capitol commissioners reported the south wing of the capitol completed and a balance of seven hundred dollars on hand out of the fifty thousand dollars appropriated by the legislature of 1893.

During the winter of 1894-95 some half-breeds were discovered to be cutting timber on government land near the Turtle Mountain Indian reservation in Bottineau and Rolette counties. Two townships had been set apart in 1884, as a reservation for Chief Little Shell's band, but the tract had never been made the subject of a treaty. Consequently the Indians still claimed all the land in the Turtle Mountain country, amounting to about ten million acres, and Chief Little Shell said he gave permission to the half-breeds to cut the timber. There were nearly three hundred of these half-breeds engaged in cutting the timber. They had established a camp about three miles from St. Johns and threatened to kill every white man in the neighborhood if they were not let alone. Nevertheless, Marshal Cronan, with a posse of deputies went out, surrounded the camp, and demanded the unconditional surrender of the timber cutters. Taken by surprise, there was nothing left but to comply with the demand. Not a shot was fired, and after the surrender of the offenders Marshal Cronan confiscated the arms and ammunition found in the camp as a precaution against any hostile retaliation. In the trial that followed Little Shell turned state's evidence against the timber cutters, and assisted to secure their conviction.

This trial disclosed some rather peculiar conditions on the reservation. At the time the two townships were set apart for the Turtle Mountain band of Chippewas, there were less than two hundred persons in the band. Six years later the census of 1890 gave the population of the tribe as two thousand. In the trial of the trespassers it was brought out that practically all the half-breeds in the region had been enumerated as belonging to the Turtle Mountain band, and since that time had been receiving government assistance. Some of these half-breeds lived over the Canadian border, but they shared with the others in the beneficence of the United States. The affair led to the establishment of a reservation on the two townships referred to, and the opening of a large tract of land in the Turtle Mountain country to settlement.

Early in 1896 some trouble in the management of the insane asylum at Jamestown occurred. Charges were preferred against

the superintendent, Dr. O. W. Archibald; a meeting of the board of trustees was called, and a majority voted to remove Doctor Archibald, appointing Dr. D. S. Moore to take his place. The reason given by the board for the dismissal of Doctor Archibald was that he had not obeyed the order of the board to discharge certain employes at the institution. Doctor Archibald refused to turn over the office to Doctor Moore, claiming that the board had no power to remove him until the end of his term. The supreme court, after hearing the statement of the board of trustees, issued a writ directing Doctor Archibald to relinquish the position to his successor, or appear before the court and show cause why he should continue to hold it. Doctor Archibald then gave possession.

This decision settled several points of law. It gave boards of trustees undisputed and complete control over the institutions under their charge, and established the fact that their powers are not abridged or circumscribed by any rule of the board regarding the appointment of subordinate officers for a fixed term, the power to fix the tenure of office being vested in the legislature.

Soon after this the governor asked for the resignation of all the members of the board for the reason that they had been charged with being guilty of gross extravagance. Only one trustee resigned. In reply to the charge of extravagance the board claimed that they were trying to economize, but that they were continually opposed by the governor. The public examiner was ordered to investigate the affairs of the institution. He did so, and, in his report to the governor, said: "The charges of gross extravagance in the management of the institution are not borne out by the testimony, although there may be room for improvement." This ended the dispute.

Acting under constitutional authority the first legislature passed a prohibitory liquor law. This law was sustained by a decision of the supreme court in May, 1893, but the authorities in several parts of the state were somewhat lax in its enforcement. During the spring and summer of 1896, an organization known as the State Enforcement League secured the services of a number of detectives to secure convictions for violations of the law. These detectives went over the state and gathered evidence against two hundred and seventy-four persons engaged in selling liquor. Of these two hundred were enjoined by the courts from a further continuance of the business; nineteen were fined two hundred dollars and imprisoned 90 days in jail; two broke jail and left the state before they were tried, and the others were discharged. The

League disclaimed any intention of seeking punishment for these men, simply for the sake of the punishment, but to arouse public sentiment in favor of the enforcement of law.

Congress passed an act in May giving to the city of Bismarck permission to use Sibley island in the Missouri river for a driving park or fair grounds, with the right to erect buildings, etc. The city was also given the authority to lease the island for public assemblies of a religious, literary, scientific or political character.

On April 15, a Republican convention met at Fargo and selected delegates to the National convention to be held at St. Louis. At this convention a resolution demanding honest money was passed; the delegates to the National convention were instructed to vote for William McKinley for the presidential nomination, and the administration of Governor Allin was approved. A second convention of the same party at which the following state ticket was nominated, was held at Fargo, on the 22nd of July: For governor, Frank A. Briggs; lieutenant-governor, Joseph M. Devine; secretary of state, Fred. Falley; auditor, N. B. Hannum; treasurer, George E. Nichols; attorney general, John F. Cowan; superintendent of public instruction, J. G. Holland; insurance commissioner, Frederick B. Fancher; commissioner of agriculture, H. U. Thomas; railroad commissioners, George H. Keyes, L. L. Walton and John F. Gibson; representative in congress, Martin N. Johnson; judge of the supreme court, Alfred Wallin. The platform of the St. Louis convention was adopted, but with the addition of a few declarations relating to state issues.

Delegates to the Democratic National convention were selected at Jamestown on the 4th of June. At the same time a platform declaring in favor of the Wilson tariff bill was adopted. The free and unlimited coinage of silver at the ratio of sixteen to one, and the election of United States senators by popular vote, were favored.

On the 17th of June the People's party met in convention at Grand Forks and selected delegates to the National convention. On the 29th of July delegates of the same party assembled at Fargo for the purpose of nominating a state ticket. After a session of two days the convention adjourned with only part of a ticket nominated, a number of places being purposely left vacant to be filled by the Democrats in the event a coalition could be effected. On August 12 a Fusion convention met at Grand Forks. Delegates from both the People's and the Democratic parties were present, and after some discussion, in which conces-

sions were made by both sides, the following ticket was agreed upon: For governor, R. B. Richardson; lieutenant-governor, J. L. Cashel; secretary of state, J. E. Hodgson; auditor, J. T. Eager; treasurer, H. D. Allert; attorney general, Marion Conklin; superintendent of public instruction, Laura J. Eisenhuth; insurance commissioner, F. T. Parlin; commissioner of agriculture, G. S. Reishus; railroad commissioners, Oliver Knudson, O. G. Major and W. S. Vent; member of congress, John Burke; judge of the supreme court, C. F. Templeton.

In the formation of this ticket the People's party was given the candidates for governor, secretary, auditor, superintendent of public instruction, commissioner of agriculture, and two railroad commissioners—Knudson and Major. The platform adopted was in line with the declarations of the National conventions of the two parties.

On September 15 a Prohibition convention, at Fargo, nominated A. J. Garver for representative in congress; Emma J. Bates for superintendent of public instruction; Herbert Rost for attorney general, and endorsed the Fusion candidates for the rest of the offices.

For president 47,021 votes were cast. Of this number McKinley received 26,335 and Bryan 20,686. The vote for governor was about 400 less, Briggs receiving 24,918 and Richardson 20,690. On joint ballot the Republicans had a majority of 41 in the legislature.

Frank A. Briggs, the fifth governor of the State of North Dakota, was born in Hennepin county, Minn., September 15, 1858. His education was acquired mainly in the common schools. While still a mere boy, he started in to learn the printer's trade; and at the age of twenty-one was editor of the *Howard Lake Advocate*, published at Howard Lake, Wright county, Minn. In 1881 he went to Dakota, where he found employment at first as a bookkeeper. For several years he was postmaster at Mandan, and for eight years was treasurer of Morton county. In 1894 he was elected state auditor, and two years later governor of North Dakota. Governor Briggs was one of the youngest men ever elected to be governor of a state. At the time of his inauguration January 5, 1897, he was but a few months past the age of thirty-eight years. He died at Bismarck, in April, 1898, before the conclusion of his term as governor, the office being filled for the remainder of the term by Lieutenant-Governor Devine.

A committee had been appointed by the legislature of 1895 to visit the various state institutions and report their condition to the

next session of the assembly. This committee made a report, early in the session of 1897, that the institutions generally were in good condition and economically managed. At the soldiers' home at Lisbon 52 inmates were reported. The reform school at Mandan, which had been before the last three legislatures, was not yet in operation. Refractory boys were being sent to the South Dakota reform school, and three hundred dollars a year was being paid for the keeping of each boy. A bill to bond the lands granted to the school for twenty thousand dollars and erect suitable buildings was passed by this assembly. Altogether one hundred and fifty-two bills were passed during the session, the most important being those refunding the state debt; establishing a school of forestry at Bottineau; regulating the employment of convict labor; amending the election law, and reducing the salaries of the railroad commissioners. United States Senator Hansbrough was re-elected.

In February the family of Thomas Spicer, a Methodist Circuit rider, six people in all, were found murdered. A few days afterward some of the jewelry and trinkets, recognized as having belonged to the Spicers, were found in the possession of a half-grown Indian named Paul Holy Track and another boy by the name of Philip Ireland. The two boys were arrested and made a confession implicating an Indian half-breed, Alexander Coudot and a negro half-breed called Black Hawk, who had already been arrested on suspicion, and an Indian named George Defender. Coudot was tried, found guilty and sentenced to be hanged. His attorneys appealed to the supreme court for a new trial, which was granted November 8, on the grounds that under the law no conviction for murder could be obtained upon uncorroborated state's evidence. Six days after this decision was rendered a mob broke into the jail at Williamsport, Emmons county, and took Holy Track, Ireland and Coudot from their cells and hanged them. The other two men were in the Burleigh county jail. By the action of the Williamsport mob the principal witnesses against them were put to death and they were accordingly discharged and taken to the reservation west of the Missouri river, under the protection of an escort of Indians.

On January 4 the Merchant's National bank of Devil's Lake suspended. In March the Federal grand jury met at Bismarck and investigated the methods of some of the banks that had recently failed. Indictments were found against L. E. Booker, ex-state treasurer, and president of the Second National bank of Grand Forks, which had failed on the 31st of December, 1896.

and H. F. Salyards, president of the First National bank of Minot. When Booker's case was called for trial in November, it was ascertained that he had forfeited his bond and decamped. In January, 1898, the First National bank of Larimore closed its doors, being unable to meet the demands of withdrawal of deposits, on account of slow collections.

Several casualties occurred during 1898. On the 22nd of July a tornado did serious damage to the town of Minot, the county seat of Ward county. Seventeen buildings were totally destroyed, and several people were injured. A severe hailstorm a few days later destroyed about twenty-five thousand acres of grain in the neighborhood of Casselton. August 8 a disastrous fire at Bismarck consumed a large section of the city. For some time after this event, the Northern Pacific railroad gave free transportation to all building material intended for Bismarck. Early in August, near the little town of Bartlett in Ramsey county, a shepherd dog bit a number of cattle and two people. Signs of hydrophobia developed in a number of the cattle, and all that had been bitten by the dog were killed. The two persons were given the Pasteur treatment, and no symptoms of rabies were seen in their cases. Great excitement reigned in the vicinity, and the relief was general when the unfortunate dog was killed.

The prohibitory law was again in the courts this year. Under the original package decision of the United States supreme court, packages of intoxicating liquors were shipped to numerous addresses in the state, some of which were fictitious. All such packages were shipped collect on delivery. One shipped to a fictitious address was delivered to a man who paid the charges, and when opened was found to contain an intoxicating liquor. The Prohibitionists took up the case and had the agent of the railroad arrested. In the trial the agent claimed ignorance of the contents of the package, but the judge charged the jury that "every person or corporation who assumes to act for another as its agent in the transmission of intoxicating liquors, and who receives the same by the method known as packages C. O. D., is bound to know, at his peril, the contents of such package." The jury found the agent guilty, and the decision had a tendency to break up the traffic.

On July 20, the Republican State convention met at Fargo and nominated a ticket. Frederick B. Fancher, who for four years had been insurance commissioner, was nominated for governor; Joseph M. Devine was renominated for lieutenant-governor; Frederick Falley, secretary of state; A. N. Carlblom, auditor;

D. W. Driscoll, treasurer; J. G. Halland, superintendent of public instruction; John F. Cowan, attorney general; H. U. Thomas, commissioner of agriculture; G. W. Harrison, insurance commissioner; Luke L. Walton, John Simons and Henry Erickson, railroad commissioners; N. C. Young, judge of the supreme court, and B. A. Spalding, representative in congress.

The declarations of the platform were confined chiefly to state issues. Higher taxation of railroads was favored, and the state board of equalization was pledged to order a higher assessment. The prohibition law was upheld, and a promise was made in the platform that "No backward step should be taken" in the maintenance and enforcement of the law.

On the 12th of July two conventions, one Populist and one Democratic, met at Fargo. Each convention appointed members of a fusion committee to report a ticket to the two conventions for approval or rejection. This joint committee nominated the following ticket, which was adopted by both parties: For governor, D. M. Holmes; lieutenant-governor, W. A. Bentley; secretary, Samuel Torgerson; auditor, C. G. Bade; treasurer, Thomas Bolton; attorney-general, S. B. Bartlett; superintendent of public instruction, C. C. Schmidt; insurance commissioner, W. M. Campbell; commissioner of agriculture, A. L. Whipple; railroad commissioners, Robert Fleming, N. J. Bjornson and H. L. Hevener; judge of the supreme court, C. J. Fisk; representative in congress, H. M. Creel.

The joint committee reported in favor of the name "Independent Democratic" for the party thus formed, which raised a storm of opposition in the Democratic convention, but which was finally adopted. Each convention, however, made a platform of its own. The Democrats endorsed the National platform of 1896; demanded greater economy in state expenses, and recommended that the valuation of railroad and other corporate property be raised to a reasonable basis. Regarding the war with Spain, the platform declared: "We rejoice in the glorious achievement of our army and navy, whose magnificent victories, participated in by citizens of every state in the Union, have added imperishable luster to arms, swept away the last vestige of sectionalism in our country, and revealed us to the world a united people."

The platform adopted by the Populist convention was a combination of the St. Louis and Omaha platforms of that party. Fancher, for governor, received 28,308 votes to 19,496 for Holmes, and the entire Republican ticket was elected by approximately the same majority.

In accordance with a decision of the supreme court, that three hundred Indians of Benson county were citizens and entitled to vote, several Indians voted at this election.

The sixth session of the legislature assembled at Bismarck January 3, 1899. Politically the senate stood 22 Republicans to 9 Independent Democrats, and the house 55 Republicans to 16 Independent Democrats. At the beginning of the session, Governor Fancher was inaugurated.

Frederick Bartlett Fancher, the sixth governor of the State of North Dakota, was born in Orleans county, N. Y., April 2, 1852. After attending the common schools, during the winter months, until 1867, he entered the state normal school at Upsanti, Mich., and took a three years course, graduating in 1870. During the next ten years he was engaged in the insurance business in the city of Chicago. In 1881 he became interested in one of the large wheat farms of North Dakota, and that State has since been his home. On the 1st of October, 1884, he was married to Miss Florence Van Vortiers, of Albion, Mich. For six years he was president of the board of trustees of the North Dakota insane asylum at Jamestown. In 1894 he was nominated by the Republicans for insurance commissioner and was elected with the rest of the ticket. His ten years' experience in the insurance business gave him a familiarity with the duties of his office, and enabled him to introduce several important reforms. He was re-elected insurance commissioner in 1896, and in 1898 was nominated and elected governor.

During this session of the legislature appropriations for the benefit of state institutions as follows were made: Agricultural college, twenty-seven thousand seven hundred dollars; penitentiary, sixty-four thousand dollars; state university (deficit), seven thousand dollars; Mayville normal school, twenty-two thousand three hundred dollars; Valley City normal school, twenty-five thousand five hundred dollars; school for deaf mutes, forty-seven thousand dollars; soldiers' home, fourteen thousand dollars; insane asylum, one hundred five thousand five hundred dollars. An appropriation of one hundred fifty thousand dollars for the erection of a cordage plant at the penitentiary was also made, the work to be done by convict labor. Reports from various state officers and boards of trustees indicated that the affairs of most of the institutions were in a satisfactory condition.

On the 20th of January, Porter J. McCumber, Republican, was elected by a strict party vote, to succeed William N. Roach, Democrat. Porter J. McCumber was born at Crete, Ill., February 3,

1856. Before he was a year old his parents removed to Rochester, Minn. Here he was brought up on a farm, meanwhile attending the district schools, and the Rochester high schools. For a few years he engaged in teaching in the public schools, and in 1880 was graduated from the law department of the state University of Michigan. The following year he went to Dakota, locating at Wahpeton, where, on the 1st day of January, 1882, he formed a partnership with B. L. Bogart, for the practice of law. He was a member of the territorial legislatures of 1885 and 1887, and afterward was elected state's attorney for Richland county.

The First regiment of North Dakota volunteer infantry, which had been in service in the Philippines for a year, was mustered out of service September 25. Of the 660 men who enlisted, 623 returned home. Each man on being mustered out drew two months extra pay, and an allowance for clothing and traveling expenses. The legislature of 1899 appropriated two thousand five hundred dollars for the benefit of the regiment, but the fund had not been used. Of this appropriation, one thousand seven hundred eighty-four dollars was paid for sleeping cars for the men from San Francisco to North Dakota. On the staff of the battle flag of this regiment are thirty-six silver rings, each ring representing an engagement in which the regiment participated. This flag was placed in the hands of the adjutant-general of the State, on the 24th of October, for safe keeping.

The census of 1900 showed the population of the State to be 319,146, an increase of nearly 75 per cent during the decade.

In March the twine plant at the penitentiary began operations. The plant consists of three buildings, fully equipped with improved machinery, with a capacity of 10,000 pounds of binding twine daily. May 17, the first spike was driven in the Bismarck, Washburn and Great Falls railroad, and two months later the track was laid as far as Wilton, a new town in the lignite coal district, twenty-four miles north of Bismarck. The completion of this road to Washburn opened up transportation facilities to the farmers on more than 300,000 acres of fertile land in that region and attracted immigration.

In 1896 the war department ordered the removal of Fort Yates to Bismarck. A site was selected near the penitentiary and substantial buildings were erected. Troops were quartered there in 1899, and in 1900 the post received the name of Fort Abraham Lincoln.

The political campaign of 1900 assumed a many sided aspect

in North Dakota. Five tickets were in the field: The Republican, the Democratic, the People's, the Prohibitionist and the Social Democratic. Conventions for the selection of delegates to the National conventions were held by the People's party April 6, the Republicans May 16, and the Democrats June 6.

On July 11, a second Republican convention met at Grand Forks, to nominate candidates for state offices. At this convention Governor Fancher was renominated, but afterward withdrew from the ticket on account of ill health. Frank White, who had been nominated by the convention for lieutenant-governor, was placed at the head of the ticket by the State central committee, and David Bartlett, by the same authority, was named for lieutenant-governor. The remainder of the ticket, as named by the convention, was as follows: Secretary of state, E. F. Porter; auditor, A. N. Carlblom; treasurer, D. H. McMillan; attorney-general, O. D. Comstock; superintendent of public instruction, J. M. Devine; insurance commissioner, Ferd Leutz; commissioner of agriculture, R. J. Turner; railroad commissioners, J. F. Shea, C. J. Lord and J. J. Youngblood; judge of the supreme court, D. E. Morgan; representative in congress, T. F. Marshall. The platform urged congress to enact legislation that would suppress the evil of trusts; favored the retention of all the territory acquired by the United States in the Spanish-American war; approved the currency bill and the entire policy of the National administration, and pledged the party to sustain the prohibitory law.

On the 20th of July the Democrats and part of the People's party got together and nominated a fusion ticket consisting of Max A. Wipperman for governor; F. W. McLean, lieutenant-governor; J. F. Williams, secretary; Samuel K. McGinnis, auditor; J. P. Birder, treasurer; John Carmody, attorney-general; Laura Eisenhuth, superintendent of public instruction; W. M. Campbell, insurance commissioner; Samuel Torgerson, commissioner of agriculture; James Morrison, L. L. Lewis, and L. Stavnheim, railroad commissioners; ———, judge of the supreme court, and M. A. Hildreth, representative in congress. J. F. Williams and L. Stavnheim withdrew from the ticket, and J. J. Stampen was named for secretary, and Julius Wirkus for railroad commissioner to fill the vacancies.

At the convention of June 6, the Democrats adopted a platform declaring allegiance to the National platform of 1896; favoring the election of United States senators by popular vote; denouncing imperialism; advocating free trade between Porto

Rico and the United States, and recommending the enactment of an income tax law. The delegates to the Kansas City convention were instructed to vote for William J. Bryan for the presidential nomination. This platform was practically the one adopted by the fusion convention of July 20.

That part of the People's party that refused to coalesce with the Democrats, known as "Middle of the road" Populists, nominated candidates for part of the state offices, as follows: For governor, O. G. Major; lieutenant-governor, James T. Westlake; secretary, Frank Wrightson; auditor, Robert Grant; treasurer, W. W. Cummings; attorney-general, H. F. Jones; commissioner of agriculture, James Glassford; railroad commissioners, James McIntosh, John Miller and W. J. Forest; representative in congress, M. S. Blair.

Only part of a ticket was named by the Prohibitionists, their candidates being: Delavan Carlton, for governor; W. C. Greene, lieutenant-governor; George M. Naylor, secretary; D. F. Humphreys, auditor; B. H. Tibbits, treasurer; M. F. Vandebogart, commissioner of agriculture; representative in congress, C. H. Matt.

The Social Democratic party held no convention, their ticket being filed by petition. George W. Poague was the candidate of this party for governor; Royal F. King for lieutenant-governor; A. Bassett, secretary; R. C. Massey, auditor; L. F. Dow, treasurer; A. LeSuiur, attorney general; G. W. Attlebury, superintendent of public instruction; R. W. Simpkins, commissioner of insurance; S. E. Haight, commissioner of agriculture; William Lamb, J. F. Tucker and James Nelson, railroad commissioners; J. C. R. Charest, representative in congress. The platforms of both the Social Democrats and the Prohibitionists were in accord with the platforms adopted by the National conventions of their parties.

For presidential electors the vote stood: McKinley (Republican) 35,891; Bryan (Democrat) 20,519; Wooley (Prohibitionist) 731; Debs (Social Democrat) 518; Barker (Populist) 110. For governor, Wipperman ran ahead of Bryan, receiving 22,275 votes, while White's vote fell behind that of McKinley in about the same proportion. The entire Republican ticket was elected, McKinley receiving a plurality of the vote in every one of the thirty-nine organized counties of the state. Governor White was inaugurated January 8, 1901, on the same day that the seventh biennial session of the legislature was convened at the capital.

Frank White, the seventh governor of the State of North

Dakota, was born at Stillman Valley, Ill., December 12, 1856. He was educated in the Stillman Valley public schools, the academy at Mount Morris, Ill., and graduated in civil engineering from the state university of Illinois in 1880. He was a member of the house of representatives in the North Dakota legislatures of 1891 and 1893 and from 1893 to the time of his election as governor was a member of the state senate. September 19, 1884, he was married to Miss Elsie Hadley, of Indianapolis, Ind., and since then has been a resident of Valley City in Barnes county. When the First regiment of North Dakota volunteer infantry was organized, he became a member of it and on the 2nd of May, 1898, was commissioned major. He served with the regiment during the entire time it was in the Philippines, and was mustered out with it at San Francisco September 25, 1899. He was re-elected governor in 1902.

During the session of the general assembly of 1899, more than two hundred laws were enacted. The most important were those providing for a levy of a sinking fund tax equal to one-thirtieth of the bonded indebtedness, each year after 1901; repealing the bounties on starch, twine, etc., granted by a former legislature; authorizing counties to issue bonds to aid needy farmers; creating a board of trustees for an institute for feeble minded at Grafton, with authority to select a site and erect buildings; providing for a state board for holding farmers institutes and making an annual appropriation therefor; instituting a stringent pure food law, and providing that no party shall have more than one list of nominees on the official ballot, the object of this law being to prevent the fusion of two parties in the nomination of candidates.

CHAPTER II

Statistics, Productions, Etc.

NORTH DAKOTA, as created by the act of congress February 22, 1889, and described in the constitution adopted by the people of that state, on the 1st of October following, is bounded on the north by the British possessions of Manitoba and the Northwest Territory along the line of the forty-ninth parallel of north latitude; on the east by the Red river of the North, which separates it from Minnesota; on the south by South Dakota along the seventh standard parallel, and on the west by the State of Montana.

All state officers, except judges of the supreme court, are elected for a term of two years. Supreme judges are elected for six years, one member of the bench being chosen at each biennial election. Following is a list of the state officers since the admission of the state and the year in which they were elected.

Governors: John Miller, 1889; Andrew H. Burke, 1890; Eli C. D. Shortridge, 1892; Roger Allin, 1894; Frank A. Briggs,† 1896; Frederick B. Fancher, 1898; Frank White, 1900.

Lieutenant-governors: Alfred M. Dickey, 1889; Roger Allin, 1890; Albert D. Wallace, 1892; John H. Worst, 1894; Joseph M. Devine, 1896; David Bartlett, 1900.

Secretaries of state: John Flittie, 1889; Christian M. Dahl, 1892; Fred Falley, 1896; E. F. Porter, 1900.

Auditors: John P. Bray,* 1889; A. W. Porter, 1892; Frank A. Briggs, 1894; N. B. Hannum, 1896; A. N. Carlblom, 1900; Herbert L. Holmes, 1902.

† Governor Briggs died in office, April, 1898, and the remainder of his term was filled by Lieut. Gov. Joseph M. Devine.

* Died March 10, 1890, and W. J. Clapp appointed to fill the vacancy.

Treasurers: L. E. Booker, 1889; Knud J. Nomland, 1892; George E. Nichols, 1895; D. W. Driscoll, 1900; Donald H. McMillan, 1902.

Attorneys general: George F. Goodwin, 1889; C. A. M. Spencer, 1890; W. H. Standish, 1892; John F. Cowan, 1894; O. D. Comstock, 1900; C. N. Frich, 1902.

Superintendents of public instruction: William Mitchell, 1889; John Ogden, 1890; Laura J. Eisenhuth, 1894; John G. Halland, 1896; J. M. Devine, 1900; W. L. Stockwell, 1902.

Commissioners of agricultural labor: H. F. Helgessen, 1889; Nelson Williams,* 1892; A. H. Laughlin, 1894; H. U. Thomas, 1896; Rollin J. Turner, 1900.

Insurance commissioners: A. L. Carey, 1889; James Cudhie, 1892; Frederick B. Fancher, 1894; George W. Harrison, 1898; Ferdinand Leutz, 1900.

Railroad commissioners: George S. Montgomery, T. S. Underhill, and David Bartlett, 1889; George H. Walsh, George Harmon and Andrew Slotten, 1890; Peter Cameron, B. B. Stevens and N. P. Rasmussen, 1892; John W. Curry, John J. Wamberg and George H. Keyes, 1894; L. L. Walton, George H. Keyes and John F. Gibson, 1896; L. L. Walton, John Simons and Henry Erickson, 1898; J. F. Shea, C. J. Lord and J. J. Youngblood, 1900; J. F. Shea, C. J. Lord and Andrew Shatz, 1902.

United States senators, and dates of expiration of their terms: Gilbert A. Pierce, 1891; Lyman R. Casey, 1893; Henry C. Hansbrough, 1903; William N. Roach, 1899; Porter J. McCumber, 1905.

Representatives in congress: Martin N. Johnson, from 1889 to 1898; B. F. Spalding, 1898 to 1900; T. F. Marshall, 1900 to —; B. F. Spalding, 1902 to —.

Judges of supreme court and date of election: Guy C. H. Corliss, 1889, re-elected 1892; J. M. Bartholomew, 1889, re-elected 1894; Alfred Wallin, 1889, re-elected 1896; N. C. Young, 1898; D. E. Morgan, 1900; John M. Cochrane, 1902.

United States district judges: Alfred D. Thomas, 1889 to 1897; Charles F. Amidon, 1897 to —. (U. S. district court at Fargo.)

* Appointed in place of George E. Adams who was elected but failed to qualify.

TABLE SHOWING THE POPULATION OF NORTH DAKOTA, BY COUNTIES,
AT EACH UNITED STATES CENSUS SINCE 1870.

(In 1860 there were no organized counties in the territory, and Pembina was the only organized county in North Dakota in 1870.)

| Counties. | 1870. | 1880. | 1890. | 1900. |
|------------------------------|-------|--------|---------|---------|
| Allred | | | | |
| Barnes | | 1,585 | 7,045 | 13,159 |
| Benson | | | 2,460 | 8,320 |
| Billings | | 1,323 | 170 | 975 |
| Boreman* | | | 511 | |
| Bottineau | | | 2,893 | 7,532 |
| Bowman | | | 6 | |
| Buford | | | 803 | |
| Burleigh | | 3,246 | 4,252 | 6,081 |
| Cass | | 8,998 | 19,613 | 28,625 |
| Cavalier | | | 6,471 | 12,580 |
| Church | | | | |
| Dickey | | | 5,573 | 6,061 |
| Dunn | | | 159 | |
| Eddy | | | 1,377 | 3,320 |
| Emmons | | 38 | 1,971 | 4,379 |
| Flannery | | | 72 | |
| Foster | | 37 | 1,210 | 3,770 |
| Garfield | | | 33 | |
| Grand Forks | | 6,248 | 18,357 | 24,459 |
| Griggs | | | 2,817 | 4,744 |
| Hettinger | | | 81 | |
| Kidder | | 89 | 1,211 | 1,754 |
| La Moure | | 20 | 3,187 | 6,048 |
| Logan | | | 597 | 1,625 |
| McHenry | | | 1,658 | 5,253 |
| McIntosh | | | 3,248 | 4,818 |
| McKenzie | | | 8 | |
| McLean | | | 860 | 4,791 |
| Mercer | | | 428 | 1,778 |
| Morton | | 200 | 4,728 | 8,069 |
| Mountrail | | 13 | 122 | |
| Nelson | | | 4,293 | 7,316 |
| Oliver | | | 464 | 990 |
| Pembina | 1,213 | 4,862 | 14,334 | 17,869 |
| Pierce | | | 905 | 4,765 |
| Ramsey | | 281 | 4,418 | 9,198 |
| Ransom | | 537 | 5,393 | 6,919 |
| Renville | | | 99 | |
| Richland | | 3,597 | 10,751 | 17,387 |
| Rolette | | | 2,427 | 7,995 |
| Sargent | | | 5,076 | 6,039 |
| Sheridan | | | | |
| Stark | | | 2,304 | 7,691 |
| Steele | | | 3,777 | 5,888 |
| Stevens | | 247 | 16 | |
| Stutsman | | 1,007 | 5,266 | 9,143 |
| Towner | | | 1,415 | 6,491 |
| Trails | | 4,123 | 10,217 | 13,107 |
| Wallace | | | 24 | |
| Wallerette | | 432 | | |
| Walsh | | | 16,587 | 20,288 |
| Ward | | | 1,681 | 7,961 |
| Wells | | | 1,212 | 8,310 |
| Williams | | | 109 | 1,530 |
| Standing Rock Ind. Res. | | | | 2,208 |
| Total | 1,213 | 36,909 | 182,719 | 319,146 |

* Boreman county partly in South Dakota. The population of the entire Territory in 1860 was 4,837.

In comparing the population by counties it must be borne in mind that few counties in North Dakota have the same boundaries as in 1880, and that, while the name of the county has been preserved, the area may have been made larger by the annexation of old counties or smaller by the formation of new ones. The principal changes since 1880 are as follows:

In 1881 Dickey county was organized from part of La Moure; Griggs county, from parts of Foster and Traill; Walsh county, from parts of Grand Forks and Pembina, and the name of Gingsgras county was changed to Wells.

Two years later (1883) Allred county was organized from part of Howard; Benson, from parts of DeSmet and Ramsey; Bowman, from part of Billings; Buford, from part of Wallethe; Dunn, from part of Howard; McIntosh, from part of Logan; McKenzie, from part of Howard; McLean, from part of Stevens; Nelson, from parts of Ramsey, Grand Forks and Foster; Sargent, from parts of Ransom county and the Sisseton and Wahpeton Indian reservation; Towner, from parts of Cavalier and Rolette; Hettinger, from part of Stark; Steele, from parts of Griggs and Traill; Wallace, from part of Howard; Flannery, from part of Wallethe.

Eddy county was organized in 1885 from part of Foster. The same year Garfield was organized from part of Stevens; Oliver from part of Mercer, and Ward, from parts of Stevens and Renville. Pierce and Church counties were organized in 1887, the former, from part of old DeSmet county, and the latter, from parts of McHenry and Sheridan.

Williams county, as it existed in 1890, was annexed to Mercer and Stark, and another Williams was organized from the counties of Buford and Flannery and part of Allred.

Since the census of 1890 several of these counties, as well as some of those organized prior to 1880, have been annexed to others, and their names no longer appear on the map of North Dakota. That part of Allred left after the formation of Williams was annexed to Billings. At the same time Bowman and McKenzie were also annexed to Billings. Church has been divided among Pierce, McLean and McHenry. Garfield, Sheridan, and part of Stevens have been annexed to McLean, the remainder of Stevens being annexed to Ward; Dunn, Hettinger and Wallace have been annexed to Stark. Renville was divided in 1897 between Ward and Bottineau. Richland has been increased by the addition of part of the Sisseton and Wahpeton Indian reservation. Mountraille is now a part of Ward, and a few minor changes have been made in boundary lines between counties.

TABLE SHOWING THE ORGANIZED COUNTIES OF NORTH DAKOTA IN 1900, WITH DATES OF CREATION AND ORGANIZATION, AND PRESENT COUNTY SEAT.

| Counties. | When created. | When organized. | County seat. |
|-------------------|---------------|-----------------|-----------------------|
| Barnes | Mar. 9, 1873 | Nov. 6, 1883 | Valley City. |
| Benson | Feb. 10, 1879 | Oct. 25, 1883 | Minnewaukon. |
| Billings | Jan. 4, 1873 | May 13, 1884 | Medora. |
| Bottineau | Jan. 4, 1873 | 1873 | Bottineau. |
| Burleigh | Jan. 4, 1873 | Oct. 27, 1873 | Bismarck. |
| Cass | Jan. 4, 1873 | June 16, 1884 | Fargo. |
| Cavalier | Mar. 5, 1881 | Aug. 1, 1882 | Langdon. |
| Dickey | Mar. 9, 1885 | Apr. 15, 1885 | Ellendale. |
| Eddy | Feb. 10, 1879 | Oct. 16, 1883 | New Rockford. |
| Emmons | Jan. 4, 1873 | Sept. 27, 1883 | Williamsport, Linton |
| Foster | Jan. 4, 1873 | 1874 | Carrington. |
| Grand Forks | Feb. 18, 1881 | June 10, 1882 | Grand Forks. |
| Griggs | Jan. 4, 1873 | 1881 | Coope's town. |
| Kidder | Jan. 4, 1873 | Jan. 29, 1881 | Steele. |
| La Moure | Mar. 9, 1883 | ..... | LaMoure. |
| Logan | Jan. 14, 1873 | Oct. 15, 1884 | Napoleon. |
| McHenry | Mar. 3, 1883 | Aug. 25, 1884 | Towner. |
| McIntosh | Mar. 3, 1883 | Nov. 1, 1883 | Ashley. |
| McLean | Jan. 14, 1875 | Nov. 6, 1883 | Washburn. |
| Mercer | Mar. 9, 1883 | Feb. 25, 1881 | Stanton. |
| Morton | Mar. 12, 1885 | Mar. 15, 1883 | Mandan. |
| Nelson | Jan. 9, 1867 | Mar. 12, 1885 | Lakota. |
| Oliver | Mar. 11, 1887 | Aug. 12, 1867 | Sanger. |
| Pembina | Jan. 4, 1873 | Mar. 11, 1887 | Pembina. |
| Pierce | Jan. 4, 1873 | ..... | Rugby. |
| Ramsey | Jan. 4, 1873 | Mar. 7, 1881 | Devil's Lake. |
| Ransom | Jan. 4, 1873 | 1873 | Lisbon. |
| Richland | Jan. 4, 1873 | ..... | Wahpeton. |
| Rolette | Mar. 3, 1883 | Aug. 1, 1883 | St. John, Rolla. |
| Sargent | Mar. 8, 1883 | May 25, 1883 | Forman. |
| Stark ..... | ..... | June 6, 1883 | Dickinson. |
| Steele | Mar. 8, 1883 | June 6, 1883 | Sherbrooke. |
| Stutsman ..... | ..... | June 10, 1873 | Jamestown. |
| Towner | Mar. 8, 1883 | Nov. 16, 1883 | Cando. |
| Traill | Jan. 14, 1875 | Mar. 8, 1883 | Caledonia, Hillsboro. |
| Walsh | Feb. 11, 1881 | Feb. 11, 1881 | Grafton. |
| Ward ..... | ..... | Nov. 23, 1885 | Minot. |
| Wells | Jan. 4, 1873 | Feb. 26, 1881 | Sykeston, Fessenden. |
| Williams | Jan. 8, 1873 | 1885 | Williston. |

Few states in the American Union have made more rapid progress, along all lines, than North Dakota. Within the memory of many men now living, the great wheat fields of the Red river valley were in the heart of a vast wilderness. Today they produce bread for thousands of people, and are a sure source of wealth to their possessors. The early pioneers who settled this fertile land were energetic and progressive men. Generally speaking they were young men, endowed with physical vigor, moral and intellectual strength, and youthful enthusiasm. True, they were saved many of the hardships that the early settlers of the older states were compelled to undergo. Even before the State was admitted into the Union, the great Northern Pacific railroad traversed it from east to west, bringing its people into easy communication with the denizens of other states. Other railroads soon followed and

steamboats went up and down the navigable rivers assisting in the upbuilding of the commerce of this new but progressive commonwealth. School houses dotted the prairies, and parents watched their children on their way to school, happy in the thought that a constantly increasing, permanent fund, for the education of the youth of the State, had been provided for by the men who laid the foundation of North Dakota's future greatness. Miles of streams afford fine water power, and along their banks may be seen great flouring mills, equipped with modern machinery, turning into wealth the golden grain. In a little more than a decade the taxable property of the State has grown to hundreds of millions of dollars. Cities, lighted by electricity, supplied with water works of latest design, sanitary sewer systems, fine public buildings, beautiful parks, and palatial hotels, have sprung up within the life of the present generation, and the progress of the State has only begun.

And there is a lesson in this development of the new states of the Northwest that the young men of the older states might well learn. A mere glance at the men who have moulded the fortunes of this infant republic shows that a large majority have been upon the morning side of life's meridian. None of the governors of North Dakota had reached the age of fifty years at the time of his election. With rare exceptions the same is true of other state officers, judges of the supreme court and senators and representatives in congress. Outside the political arena the same conditions prevail. In the rapidly growing cities the artisan and professional man may find ample opportunity to acquire wealth and reputation in a few years, while men of equal talents in the older cities of the East struggle along till old age overtakes them, with less substantial results to show from their life's work.

Although the progress of the State has been little short of phenomenal there is promise of still greater development for the future. The mineral resources have scarcely been touched. Millions of acres of fertile land only await the hand of the industrious husbandman to yield wealth in abundance. In no state have the expenses of government been less during the early years of statehood, and provisions have been made by wise legislation for the liquidation of the bonded debt. Before another generation passes North Dakota will stand before the world free of all incumbrances, one of the empire states of the great Louisiana Purchase.



HENRY N. BLAKE

State of Montana

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Montana

CHAPTER I

Interesting Early Events

UNTIL about the middle of the eighteenth century, the primeval solitudes of what is now the State of Montana had never been disturbed by civilized man. In 1742 Beauharnais, the French governor of Canada, sent out an expedition under the French governor of Canada, sent out an expedition under Chevalier de la Verendrye to explore the region between Hudson bay and the Pacific ocean. Of this expedition a record has been preserved and will be found elsewhere in this work. Enough is known of Verendrye's movements to know that, in 1743, his son reached the mountains of the present Montana. He probably reached what is called the Petite Cerise (Choke cherry) country, on the Upper Missouri, where, in 1744, he erected a monument of stones, which he called Beauharnais, affixed a leaden plate bearing the arms of France, and claimed the country in the name of Louis XV.

The next white men, so far as known, to visit the region now included within the boundaries of Montana was the expedition of Lewis and Clark sent out by President Jefferson in 1804 to ascertain the nature of the new purchase. Lewis and Clark ascended the Missouri river to a point a short distance above "Three thousand mile island," where they left the river, and, on the twelfth of August, 1805, stood upon the great divide. At the mouth of the Marias river Lewis and Clark caught a boat and some supplies, and another boat and stores were concealed at the forks of the

Jefferson to await their return the following year. On the third of July, 1806, the expedition recrossed the Rocky mountains and divided into two parties. Captain Clark with fifteen men went south to where the boat and supplies had been left on the Jefferson river, from which point they crossed over to the Yellowstone and descended that river to the Missouri. The other party, under Captain Lewis, went northward until they struck the Marais river, then down the same to its mouth where they found the boat and provisions, and then down the Missouri. On the twelfth of August, 1806, just a year from the time they reached the crest of the Rocky mountains, these two parties formed a junction, a short distance below the mouth of the Yellowstone, and returned to St. Louis.

Following the expedition of Lewis and Clark, came the trapping and trading parties sent out by the Missouri Fur Company, which was founded in 1808. In the fall of 1809 Manuel Lisa, of this company, built a fort, and established a trading post on the Yellowstone, just below the mouth of the Big Horn river. This was probably the first building erected by white men within the present limits of the State. Some distance below Lisa's fort, General Ashley built a post in 1822, which was the second structure of a lasting character. Other posts followed and soon the bands of trappers fitted out at these forts were all over the country. But they were not settlers. Their habits were migratory. Their business was to follow and capture the fur bearing animals, hence they were here today and there tomorrow. The first white people who came to Montana with the intention of remaining were the Catholic missionaries. In 1840 Father DeSmet, whose life was spent among the Indians of the Northwest, visited the Flatheads, in the valley of the Gallatin, and baptised a number of the tribe. The next year he returned, with five others, from St. Louis, and founded St. Mary's mission, near the present town of Stevensville, in the Bitter Root valley. One of the priests at this mission was Father Ravalli, after whom Ravalli county was named. Oxen and implements were brought, and in 1842 these missionaries raised a crop of wheat and a supply of garden vegetables, which was the introduction of civilized agriculture. In 1845 they built the first grist mill, the stones of which were brought from Belgium, with a capacity of four bushels of coarse, unbolted flour a day. The same year they built a saw mill, a crude affair, fashioned from a whip-saw with a crank made out of an old wagon tire. In 1850 St. Mary's was sold to Maj. John Owen, who changed the name to Fort Owen, by which it is still known.

East of the divide the oldest settlement is at Fort Benton. As early as 1832 Alexander Culbertson built old Fort Union on the Missouri river, not far from the site of the present Fort Buford, in North Dakota. Steamboats had already ascended the Missouri river as far as the mouth of the Yellowstone. In 1832 the Yellowstone reached Fort Union, followed by the Assiniboine in 1833. The next year the latter boat broke all previous records and reached the mouth of Poplar creek, thus being the first steamboat in Montana waters.

In 1846 Culbertson went farther up the Missouri and built Fort Benton, the last of the forts established in this section by the American Fur Company. The settlement that grew up about the fort has never been abandoned, and consequently merits the distinction of being the oldest settlement in Montana, east of the Rocky mountains. For fourteen years the peltries gathered at Fort Benton were taken down to Fort Union in keel boats. Several attempts were made to navigate the river above Fort Union with steamboats, but none succeeded until 1859, when the Chippewa, a light draft, stern wheel boat, built especially for the trial, reached Fort McKenzie, only a few miles below Fort Benton. The next year the Chippewa, accompanied by the Key West, another boat of the same pattern, reached Fort Benton, which has since that time been regarded as the head of navigation, although in 1868 Captain Burke took a little steamer called the Tom Stevens to within five or six miles of the Great Falls of the Missouri. Fort Benton was sold to the Northwest Fur Company in 1864, and in 1869 became the property of the United States.

While these ports were being established, collisions between the whites and Indians were frequent. Captain Lewis, of the Lewis and Clark expedition, had killed a young Blackfoot in 1805, and this incident, coupled with the treacherous, revengeful disposition of the Blackfeet, cost many white men their lives. Up to the winter of 1830-31 all attempts to trade with them had been fruitless. A trading party under James Burger was sent into the Blackfoot country in the fall of 1830 and finding a tribe of Piegans of a friendly disposition did a lucrative business with them till the following spring, when Burger and his party returned to Fort Union. His account of the country, and the results of his winter's trade, led to a second expedition in 1831. In the spring of that year James Kipp, with seventy-five men, ascended the Missouri to the mouth of the Marias river where he built a fort, calling it Fort Piegan, in honor of the friendly tribe with whom Burger had traded the previous winter. Indian hostility drove him down the

Missouri to a point opposite the mouth of the Judith river, where he built Fort Chadron. He remained here but a short time, when the hostility of the surrounding tribes forced him to leave the country. In the spring of 1846 he made another effort to establish a post in the Blackfoot country, and when Major Culbertson and his party arrived at the site of Fort Benton, they found Kipp and his followers erecting a fort on the opposite side of the river, a short distance up stream, to which they had given the name of Fort Clay. This was immediately abandoned, Kipp and his men joining the Culbertson party.

The Indian tribes in this whole region continued intractable until the treaty of Fort Laramie, September 17, 1851. By this treaty all of the present State of Montana was parceled out in Indian reservations. All lying east of the Yellowstone and Powder rivers was assigned to the Gros Ventres, Arickarees, Mandans, Sioux and Northern Cheyennes. The Assiniboiné reservation lay between the Yellowstone and Missouri, extending from their confluence to a line drawn from the mouth of the Musselshell to the mouth of the Powder river. The boundaries of the Crow reservation began at the mouth of the Musselshell; thence up that river to its source; thence in a southerly direction to the Yellowstone at the mouth of Twenty-five Yard creek; thence up the Yellowstone to the divide (part of this reservation is in Wyoming); the eastern boundary being formed by the Powder river and the line from the mouth of the Powder to the Musselshell, which separated the Crow country from that of the Assiniboines. All the rest of the territory east of the divide was allotted to the Blackfeet.

Sometime in the summer following the treaty at Fort Laramie, a Scotch half breed named Francois Finlay, nicknamed "Benetsee" by his associates, began prospecting for gold in what is now Powell county, but which at that time was part of Oregon. Finlay had spent some time in California, and knew about where to look for the precious metal. His equipment was of the most primitive kind, and his prospecting was in consequence quite superficial. He found gold, but not in sufficient quantities to make it pay to work the mines. There is some controversy as to just when and by whom the first discovery of gold was made. One report says a man named Caldwell found gold on Mill creek, nearly opposite Fort Owen, in the spring of 1852. This would antedate Benetsee's discovery, but the report is not so well authenticated as that relating to the finding of gold by Finlay. Lieutenant Bradley gives an account of an old mountaineer's coming to Fort Benton in 1856 with a sack of dust, which he wanted to exchange

for supplies. He maintained that the gold was worth one thousand dollars, and wanted goods to that amount. Major Culbertson at first declined the proposition, but, influenced by an employe of the fort, a man named Ray, finally accepted it. The gold turned out to be worth more than one thousand five hundred dollars. Lieutenant Bradley, in his account, does not locate the mines from which the gold was taken, and some of the early settlers of Montana claim to have learned that the sack of dust bought by Major Culbertson came from the Kootenay mines in the British possessions.

The discovery of gold brought about a treaty with the Flathead, Kootenay and Upper Pend d'Oreille tribes, in 1855. This treaty was held at Hell Gate, Mont., July 16, and resulted in those tribes' named relinquishing their rights to all the territory between the main divide and the Bitter Root mountains, as far north as the forty-ninth parallel, except a reservation set apart for them around the southern part of Flathead lake, which afterward became known as the Jocko reserve. Another treaty was made at the mouth of the Judith river, October 17, of the same year, with the Blackfeet, Flatheads and Nez Perces. In this treaty the Blackfeet agreed to allow the other tribes to use as a common hunting ground that part of the Blackfoot reservation lying in the valleys of the Jefferson, Madison and Gallatin rivers.

A party from Salt Lake spent the winter of 1855-56 in the Bitter Root valley trading with the Indians. In the spring of 1856, as this party was passing Benetsee creek on their return to Utah, some of them did a little prospecting and with better results than had been obtained by Finlay four years before. One nugget, about the weight of a silver ten cent piece, was given to old Captain Grant, who used to exhibit it as the first piece of gold found in Montana. The news spread and during the next five years numerous prospecting parties were searching the mountain streams, of what is now Western Montana, for the golden sands. Among these were James and Granville Stuart, Thomas Adams and Rezin Anderson who, in the spring of 1858, visited the neighborhood of Finlay's labors and washed out several pans that yielded as high as ten cents to the pan. But their horses were stolen by the Blackfeet, who also annoyed them in various other ways, and running short of provisions they were compelled to abandon the field. During the summer of 1860 Henry Thomas sunk a shaft about a mile west of where Pioneer City was afterward built. This shaft was about thirty feet deep, and Thomas found gold in small quantities all the way down. In the fall of the same year

and the spring of 1861, Anderson and the Stuart brothers returned, prospected the dry gulches along Benetsee creek and found gold in several places, but for lack of tools and lumber for sluice boxes again retired from the scene. They came back, however, in the spring of 1862, supplied with lumber and tools, and on the 8th of May set the first sluices ever used in Montana, and began mining in earnest. One claim in Pioneer Gulch paid them six dollars to twenty dollars a day. The Stuarts had written to their brother, Thomas, in Colorado, acquainting him with the results of their prospecting, and asking him to join them. Thomas Stuart showed this letter to a number of his friends, and the spring of 1862 saw them on the way to the new gold fields. On June 20, the first party from Colorado arrived at Pioneer Gulch. In this party of twelve was John M. Bozeman, after whom the city of Bozeman was named. About the last of June a small party arrived from Fort Benton and stopped on Gold creek. This was the advance guard of a larger company that had come up the Missouri river, bound for the Salmon creek mines. One of these men was Samuel T. Hauser, afterward governor of the Territory of Montana.

During the summer of 1862, "pay dirt" was found in a number of localities. John White and William Eads, while prospecting on Grasshopper creek, near Bannock city, discovered the deposits on what was afterward known as "White's Bar." This was the richest find that had been made up to this time. About the same date John W. Powell and some others found "Old Bar" on North Boulder creek. The flattering reports from Old Bar caused a stampede, but actual results did not justify the reports, and the crowds surged back over the ridge to Pioneer Gulch.

On July 14, an election was held at Pioneer Gulch, Fort Owen and Hell Gate, the first in the Rocky mountains, and James Stuart was chosen sheriff of Missoula county, at that time a part of Washington Territory. Missoula county had been established by the Washington legislature, December 14, 1860. It comprised all that part of the Territory lying between the 115th meridian and the summit of the Rocky mountains. Although the county had been created nearly two years, no officers had yet been elected, because, until the discovery of gold, the county had scarcely any population outside the little colony at Fort Owen. In the fall of 1862 Bannock city was laid out, and, before the following spring, had a population of five hundred people. This population was made up of three classes: First, disappointed Colorado miners, called "Pike's Peakers;" second, Minnesota emigrants and "ten-

derfeet" from the east, and third, prospectors and roughs from west of the divide. It is not surprising that in this heterogeneous mass were some of those lawless desperadoes, always to be found on the frontier, whose transgressions form a blot upon the pages of the early history of the Territory.

Three of these desperadoes, William Arnett, C. W. Spillman and B. F. Jernagin, arrived at the gulch about the middle of August. They were mounted upon good horses, and about a week after their arrival two men, named Bull and Fox, appeared with a warrant for their arrest for the theft of horses. Spillman was caught at a disadvantage and surrendered without resistance. Arnett was found in a game of cards, and upon the approach of the officers reached for his revolver. That motion cost him his life; he was shot and instantly killed, and so tight was his grip upon the cards he held that they were buried with him. Jernagin came in and gave himself up. A miners' court was called the next day, and the two men were given a fair trial. Jernagin was acquitted, but was given six hours to leave the gulch. It is hardly necessary to say he lost no time in obeying the mandate. Spillman was found guilty and sentenced to be hanged in half an hour. He spent the time in writing a letter to his father, and a little after two o'clock, August 26, 1862, his body dangled at the end of a rope. This was the first execution in Montana. Some may think the judgment severe, and the penalty out of proportion to the crime. But it must be remembered that at the time there were no organized courts within reach, and the nearest jail was at Walla Walla, four hundred and twenty-five miles away.

The Dacotah quartz lode was discovered in November, 1862, and during the winter William Arnold began the construction of a mill for crushing the quartz. This mill was completed the following spring by J. F. Allen. In December a saw mill, the first in the Territory, was put in operation near Bannock city.

The year 1863 was a fruitful one for the mining camps of Montana. Three years before an event transpired that had contributed materially to the growth of these early settlements. That was the building of the wagon road from Fort Benton to the Dalles, the head of navigation on the Columbia. In 1857 congress made an appropriation for the road, and the work of building it was entrusted to Lieut. John Mullan, who in 1858 began the work under the direction of the war department. A survey was made from the Dalles to Snake river, where Indian hostility compelled a suspension of the undertaking. By order of the war department, the appropriation was transferred to another fund, and Lieutenant

Mullan was ordered to report with his command to Col. George Wright, who was preparing to proceed against the Indians. The war was only a flurry, and in the winter of 1858-59 congress made another appropriation for the road, and Lieutenant Mullan recommenced its construction early in 1859. In July, 1860, he completed the road to Fort Benton, as the connecting link between the two great rivers that formed the best known route of that day across the continent.

On February 4, eight men, William Fairweather, Henry Edgar, Thomas W. Cover, Barney Hughes, George Orr, Henry Rogers, Lewis Simmons and Michael Sweeney, started for the Sun river on a prospecting tour, but were persuaded by James Stuart to go south to the Big Horn and Yellowstone. One remained in the Deer Lodge valley. On April 22, at the mouth of Clark's Fork, the other members of the band were met by a large party of Crow Indians, who took everything they had except their guns and ammunition. These they refused to give up. Simmons remained with the Indians as a hostage that the rest would leave the reservation, and the others started to return to Bannock by way of Bozeman pass. The Indians followed, and, just east of where the town of Bozeman now stands, attacked them, but without doing any damage. From this time on the party avoided the trail, hiding in the willows at night, until they were out of the Crow country. On May 26, they camped on Alder creek, still eighty miles from Bannock, and, while some of the men were preparing dinner, Fairweather washed a few pansful of gravel along the creek. The first pan yielded about thirty cents, the second one dollar and twenty-five cents, and some of the others as high as two dollars. The next day Edgar and Fairweather, within a hundred yards of where the tollgate was afterward built, on the Virginia City and Summit City wagon road, washed out several pans that yielded nearly five dollars each, and found a few small nuggets, the largest being worth four dollars and eighty cents. That day Edgar washed out one hundred and fifty dollars worth of gold, and some of the others were not far behind him. The place was named Alder Gulch, because of the great number of alder bushes that grew along the creek, and the district was called Fairweather district, after the leader of the party.

The old saying that "Ill news flies fast," would apply with equal force to the news of the discovery of a new gold field. When the party had returned to Bannock for supplies it was impossible to prevent the information of the "new discovery" from becoming general. A stampede to Alder Gulch followed,

but, before the greatest of the rush came, a meeting was called and Fairweather district was organized. This was on the 6th of June. Doctor Steele was elected president, Henry Edgar, recorder; Edgar declined to act and appointed James Fergus deputy recorder. A number of miners, bound for Alder Gulch, held a meeting the next day on Beaver Head river, and a resolution declaring that every one was entitled to two claims in the new district was adopted. But when they arrived on the twelfth, they concluded to accept the laws made by those in possession. On the 16th the Verona Town Company laid claim to a town site of 320 acres and laid out Virginia City.

James Stuart, who had induced the Fairweather party to go toward the Yellowstone instead of the Sun river, became separated from them, and on the ninth of April set out at the head of a party of fifteen, to prospect and locate town sites on the Yellowstone. Two men in this party were George Ives and Samuel T. Hauser. As they rode along side by side, on terms of equal fellowship, who could have guessed that the one would be hung by the Vigilants within a twelvemonth, while the other was destined to become governor of Montana. They followed the Yellowstone, prospecting at various places along its course, finding here and there a little gold but not enough to pay for working, until they reached the mouth of the Big Horn river. Here they located the town site of Big Horn city, each of the party laying claim to a quarter section of land adjoining the town site. They left Big Horn May 6, and, after several brushes with the Indians, arrived at Bannock on the 22nd of June, having been gone nearly two and a half months, in which time they traveled more than sixteen hundred miles and accomplished practically nothing. Such is the gold hunter's life. While Stuart and his companions were testing the bars and examining the gulches along the Yellowstone for "pay dirt," the rich mines of Horse Prairie Creek were discovered within thirty miles of Bannock city.

At this time Montana had no separate existence as a political division. The western slope was a part of Washington Territory until the creation of Idaho, March 3, 1863, when it was attached to the new Territory. This included the counties of Deer Lodge, Missoula and a portion of Beaver Head. When Nebraska was organized as a territory, in 1854, it extended from the fortieth parallel of north latitude to the Canadian boundary, embracing all between the western boundary of Minnesota and the summit of the Rocky mountains. Changes had been made in these boundaries

by the erection of the Territory of Dakota in 1861. All that country included within the present limits of Montana was referred to by the newspapers of that day as a "distant region." No civil institutions had been established by either the Federal or territorial governments; the only courts were the miners' courts, and the only laws were the regulations adopted by common agreement. The most of them related to mining claims and water rights. It was a wild country, though not all the inhabitants were wild men. A majority of those early gold seekers had been brought up to respect the majesty of the laws, the ideas of this class prevailed. The absolute justice of many of these early regulations was afterward recognized in the legislation enacted by congress.

The rich discoveries of gold in Alder Gulch, and the consequent rush to the new field, led to the organization of the first miners' court at Virginia City, soon after the formation of Fairweather district. Dr. G. G. Bissell was the first judge and Richard Todd the first sheriff. Todd was succeeded by J. B. Caven, September 3, but the latter served only a few weeks, when he resigned and Henry Plummer became sheriff, much to the sorrow and disgrace of the community. Plummer had already made a record as a leader of the lawless element at Bannock city. On the night of the twenty-first of January, 1863, an assault was committed on some Indian lodges, at Bannock, occupied at the time by squaws and children only, and several of the occupants were killed. The noise of the shooting brought most of the population to the scene, and before all of them had returned to their cabins a second attack was made. This time it was discovered that the assailants were Plummer, who acted as leader, and three roughs named Moore, Reeves and Mitchell. Upon finding out that they were discovered they fled, but were followed by a posse of miners and brought back. A trial was given them, but for lack of organization and a leader on the part of the miners, it was little better than a farce. Plummer was acquitted and the others banished, but they were back in a few weeks, ready for some new misdemeanor. Few men could handle a revolver with a skill and rapidity equal to that of Henry Plummer. It is said that he could draw his weapon and discharge the five loads in three seconds, lodging all the balls in a six inch circle at a distance of twelve yards. After his acquittal for the assault on the Indians at Bannock, his conduct apparently improved. But his reformation was only feigned. Cunning took the place of bravado, and at the time of his election to the office of sheriff he was the leader of one of the most desperate

bands of road agents known to modern times. One of his first acts after being elected was the appointment of two of his associates, Buck Stinson and Ned Ray, as deputies.

Material was not wanting for the formation of such a band of highwaymen as that headed by Henry Plummer. During the stampede to Alder Gulch, in the summer and fall of 1863, many questionable characters, from the older mining camps and the slums of cities, found their way to Virginia City. Saloons, where vile whiskey was sold at fifty cents a drink, and hurdy gurdy dance houses abounded. In these environs it was easy for the leaders to pick out such men as suited their purpose, and once initiated there was no escape. The band was divided into road agents proper, and outsiders, the duty of the latter being to keep a close watch upon the various roads and promptly report the approach or departure of any coach of traveling party, supposed to carry wealth. Sometimes the vehicles containing the treasure were marked in a peculiar way by the outsiders, so that road agents, lying in wait, would know just where to strike. Signs and pass words were adopted, and the work of robbery was reduced to a perfect system. Just how many men belonged to this band will probably never be known. Their principal resorts were at Rattlesnake and Cottonwood ranches, where Plummer sometimes visited, though as a rule he held himself aloof from the gang that he might, by virtue of his office, be the better enabled to befriend them in case of arrest.

One of the first crimes committed by this band, and one which aroused general indignation, was the murder and robbery of Lloyd Magruder and his party in the fall of 1863. Magruder had come out to Virginia City with a large pack train, opened a store, disposed of his stock and, with about fourteen thousand dollars in gold, started to return to Lewistown. Plummer detailed four members of the band, Romaine, Page, Howard and Lowry, to murder the party on Clearwater river. The road agents joined the Magruder party and traveled with them until a suitable place was found for carrying out their design. While preparing the camp one evening, Lowry and Magruder were watching the horses that had been turned out to graze. Watching his opportunity the desperado shot Magruder, killing him almost instantly, and the death of the others speedily followed. The ruffians escaped to California, but were followed by Hill Beechy, deputy United States marshal at Lewistown, and brought back under a requisition from the governor of Idaho. Page turned state's evidence, and the others were convicted and hanged at Lewistown.

About the same time a wagon train in charge of M. S. Moody, with about seventy-five thousand dollars in gold on board, started for Salt Lake. Two of the band, Stephen Marshland and John Wagner, attempted a robbery but were foiled by the vigilance of Moody and his men. While the indignation over these flagitious outrages was at its height, a German named Tiebalt went to Dempsey's ranch to bring up to Virginia City a span of mules which he had sold and for which he had already received the money. George Ives, who has been mentioned as one of the Stuart expedition down the Yellowstone earlier in the season, but who had become one of Plummer's gang, knew about the deal, murdered him in cold blood and took both money and mules. The body of Tiebalt was not found for several days, and was then discovered by accident. He was given a decent burial at Nevada, and that same afternoon three or four determined citizens organized a company of twenty-five to wreak summary punishment upon his murderer. A desperado known as "Long John" was suspected, and that night about ten o'clock the twenty-five men met at a rendezvous previously agreed upon, and after taking an obligation to stand by each other, started for Dempsey's Cottonwood ranch where it was thought Long John could be found. At daybreak next morning the ranch was surrounded, Long John was arrested and accused of the crime. Then he pleaded his innocence and insisted that he could clear himself if given an opportunity, but finally, seeing the number and determination of his captors, admitted that he knew who killed the German and told the leader that the murderer was George Ives. When Ives was arrested he declared his innocence, treated the whole matter with an air of indifference, because he expected to be taken to Virginia City where his friends would impanel a jury and he would be given a trial that would be certain to end in an acquittal. But in this he was doomed to disappointment, for about an hour after sunset, on the eighteenth of December, the little cavalcade rode into Nevada, chained the prisoners and stood guard over them till morning.

Members of the band in Nevada sent George Lane, known as "Clubfoot George," to Bannock to spread the news of the arrest and to ask Plummer to come immediately to Nevada and demand that the prisoners be delivered into his custody to be taken to Virginia City for trial. All of Ives' friends in Alder Gulch from summit to junction were also notified to come at once to Nevada. All through the forenoon of the next day groups of people could be seen wending their way toward Nevada. In these groups were

many friends of Ives, and they were all busy trying to work up a sympathy for him. Although the trial was held in a self constituted miners' court, the proceedings were conducted with as much decorum as is usually seen in courts having all the sanction of law. It was almost dark, December 21, when the jury, or committee returned a verdict of guilty. A motion to adopt the report met with vigorous opposition from Ives' lawyers, but W. F. Sanders, leading counsel for the prosecution, mounted a wagon, declared that George Ives had received a fair trial, that he had been found guilty, and moved that he be "forthwith hung by the neck until dead." The motion was carried. Efforts were made by Ives' lawyers and friends to secure a postponement of the execution until the next morning, in the hope that Plummer would arrive in time to save him from the gallows. But the crowd was in no humor for delay. While the friends of the prisoner had been working diligently to create a sentiment in his favor and delay the administration of justice, hundreds of quiet but determined miners had gathered at the trial ready to see that the verdict was carried out. These men now came to the front, and as they formed a guard around the condemned man the stern expression of their faces cowed the desperadoes who had threatened a rescue. In less than an hour from the time the verdict was rendered, George Ives was led to the scaffold.

It was hoped that the death of Ives would prove a warning to the band and that they would cease their depredations. But the trouble had only begun. The twenty-five men who took that long midnight ride from Nevada to Dempsey's ranch, for the purpose of bringing to justice the murderer of Nicholas Tiebalt became the nucleus of the famous Vigilance Committee that played so important a part in the early history of Montana. Between the 21st of December, when George Ives was launched into eternity, and the erection of the Territory of Montana the following May, over twenty members of the gang were hanged. Among these were Plummer and his two deputies, Ray and Stinson, who were executed at Bannock January 10, 1864. Besides these executions a number of bad men were banished from the Territory.

CHAPTER II

The Territory of Montana

ON May 26, 1864, the president approved the act of congress establishing the Territory of Montana. The boundaries, as fixed by the organic act, were as follows: Beginning at the intersection of the forty-fifth parallel of north latitude with the twenty-seventh meridian west from Washington; thence due west on the forty-fifth parallel to the thirty-fourth meridian; thence south, along said meridian to forty-four degrees and thirty minutes north latitude; thence due west to the crest of the Rocky mountains; thence along the crest of the Rocky mountains to their intersection with the Bitter Root mountains; thence along the crest of the Bitter Root mountains to the thirty-ninth meridian west from Washington; thence north on said meridian to the boundary line between the United States and the British possessions; thence due east along this boundary to the twenty-seventh meridian, and south on the twenty-seventh meridian to the place of beginning.

When the Territory of Wyoming was created, July 25, 1868, a slight change was made in the southern boundary and in February, 1873, a small portion of Dakota was added to Montana. Aside from these unimportant alterations, the boundaries remain as they were fixed at the time the Territory was created. The news of the establishment of a new territory was received with delight by the honest, law-abiding citizens, who welcomed the advent of civil law as a wholesome relief from the uncertainties that beset the efforts of the Vigilance Committee to maintain order and mete out justice to offenders. The governor arrived in June, and took up the administration of territorial affairs. Henry P. Torsey was appointed secretary, but declined the position. In March, 1865, John Coburn was appointed, but he also declined,

and the president then appointed Gen. T. F. Meagher, who entered upon the duties of the office August 4.

Sidney Edgerton, the first governor of the Territory of Montana, was a native of New York, having been born at Cazenovia, Madison county, in that State, August 17, 1818. His first American ancestor, Richard Edgerton, was one of the founders of Norwich, Conn., and a resident of the Saybrook colony as early as 1655. Sidney was the youngest son of Amos and Zerviah Edgerton. When he was but a few months old his father died. At the age of eight, he began to earn his own living. With the results of his own labor, beginning at that tender age, he paid his way through the district schools, and the Genesee Wesleyan Seminary at Lima, N. Y. For about a year after leaving school, he taught at Lockport, N. Y., when he returned to the seminary and taught there for several years. In 1844 he removed to Akron, O., and took up the study of law. During the winter of 1844-45 he was principal of the Tallmadge, Ohio, Academy, and at the expiration of the school term entered the Cincinnati Law School, where he studied for a year, at the close of which period he was admitted to the bar. Returning to Akron he formed a partnership with O. C. Lewis, which lasted but a few months, when he became the junior member of the law firm of Humphrey, Upson & Edgerton. This partnership lasted until 1859. Always interested in political questions, he was a delegate to the convention in 1848 that formed the Free-soil party, and in 1856 was a member of the convention that founded the Republican party. In 1858 and again in 1860 he was elected representative in congress from the eighteenth district of Ohio. Upon the organization of the Territory of Idaho, in March, 1863, he was appointed chief justice, and located at Bannock city. With others he went to Washington, in January, 1864, to secure a division of the Territory. The result of their labors was the establishment of the Territory of Montana in May, and Mr. Edgerton was appointed governor, entering upon the duties of the office on the 22nd of June. The position was no sinecure. Many of the people of the Territory had practically renounced all allegiance to the United States. Recommendations in his message to the first territorial legislature aroused the opposition of some of the members, and this political resentment continued till 1868, when it terminated in an act changing the name of Edgerton county to that of Lewis and Clarke. In the fall of 1865 he went East to obtain financial aid for the new Territory. For lack of revenues he had contributed liberally out of his private funds to the current expenses. Early in 1866 he resigned

his position, and Gen. T. F. Meagher, the territorial secretary, became acting governor until the appointment of Governor Smith in July. After his resignation Governor Edgerton returned to his old home in Akron, O., where he died July 19, 1900.

Hezekiah L. Hosmer was appointed chief justice of the territorial supreme court, and Lyman E. Munson and Lorenzo Williston associate justices. All donned the ermine in the latter part of June, and the territorial government was under way.

On the 22nd of September, Governor Edgerton issued a proclamation dividing the Territory into legislative districts and appointing October 28, as election day. At this election Samuel McLean was chosen delegate to congress, and a complete list of legislators was chosen in accordance with the governor's proclamation. The first territorial legislature met on the 12th day of December, at Bannock city, and organized by the election of Robert Lawrence president, and George Haynes secretary of the council; George Detwiler speaker, and William Brown chief clerk of the house. Six counties were represented, as follows: In the council: Frank M. Thompson and Erasmus D. Leavitt, from Beaver Head county; Frank L. Worden, from Vhoteau, Deer Lodge and Missoula counties; Nathaniel Merriman, from Jefferson, and Charles S. Bagg, Robert Lawrence and Anson S. Potter from Madison.

In the house William Faulds and Andrew J. Smith represented Beaver Head county; James Stuart, Deer Lodge; Isaac N. Buck, Milo Courtright and George Detwiler, Jefferson; John H. Rogers, Patrick Ryan, Wila Huffaker, Alexander E. Mayhew, Francis Bell and Washington J. McCormick, Madison, and E. B. Johnson, Missoula. The session adjourned February 9, 1865.

By joint resolution this legislature repealed all the laws of Idaho, so far as they related to the new Territory of Montana. They passed several laws having for their object the maintenance of order, among them being one imposing severe penalties for carrying concealed weapons. On February 2, 1865, the governor approved an act organizing the counties of Beaver Head, Choteau, Deer Lodge, Edgerton, Gallatin, Madison, Missoula and Jefferson. Most of these counties had been created by the territorial legislature of Washington and Idaho. All that part of the Territory not included in these counties was given the name of Big Horn county, but was not organized.

Meanwhile the prospecting for gold went on, the majority of the people being more interested in the discovery of new mines than in the institution of a new government. Ever since the first

gold had been washed out by the Stuarts in the spring of 1862, the Sun river country had been looked upon with favor by many of the miners as a promising field for the prospector. Several parties had been made up to seek for gold in that region, but for various reasons all had been abandoned. Early in the summer of 1864 John Cowan, Reginald Stanley, Gabriel Johnson, P. B. Anthony and Robert Sayles started north with the intention of ultimately reaching the Kootenay mines in the British possessions. While they were prospecting near where the city of Helena now stands, they were joined by George J. Wood and a man named Mast, and the whole party went on to Sun river. Not finding anything there to their liking, and foregoing the journey of three hundred miles to the Kootenay district, they returned south. Reaching the place where they had tried earlier in the season, they halted for another trial, "uncle Johnny" Cowan declaring it to be the "Last Chance." A few days later he struck one of the richest deposits of gold ever discovered in the world, and "Last Chance" became the "First Choice" of hundreds of miners who hurried to the new field. Cowan and his associates held a meeting and adopted the following "mining laws:"

"That the gulch be named Last Chance Gulch, and the district in which the discovery is made be named Rattle Snake District, to extend down three miles, and up to the mouth of the cañon, and across from summit to summit. That mining claims in this district extend for two hundred feet up and down the gulch, and from summit to summit; that no person be allowed to hold more than one claim by preemption, and one by purchase, except as regards the discovery claims. That each member of the discovery party be entitled to hold, in addition to two hundred feet by preemption, one hundred feet for a discovery claim. That the discovery party shall have the prior right to the use of the gulch water; that claims, when preempted, be staked and recorded. That any person, besides his own claim, be allowed to record one for his actual partner, and one only, and that he can represent both; but if a partner be so recorded for, it must be specified, and the name given in full."

By the 1st of October the town consisted of five log cabins. Every few days fresh arrivals added to the population, and by the middle of the month there was a good deal of talk about laying out a town. On the evening of the 30th a meeting was called at the cabin of George J. Wood and Orison Miles, to decide upon a name for the town, elect officers, etc. The minutes of that meeting have been preserved. They were written with a lead

pencil in a small blank book belonging to Mr. Wood. This record is as follows:

"Helena, October 30, 1864.

"At a meeting of the citizens of Last Chance Gulch, for the purpose of naming the town and electing commissioners, etc., on motion, John Summerville was elected chairman and T. E. Cooper, secretary. After several motions and balloting, the name of Helena was given to the town, and G. J. Wood, H. Vruce and C. L. Cutler were elected town commissioners, and ordered to lay out the town and get their pay for the work by recording the lots at two dollars each, the proceeds to go to the commissioners for their labor and trouble. They were further authorized to make such laws and regulations as may be deemed necessary, to regulate the location and size of the lots, streets, alleys, etc. At a meeting of the commissioners it was decided that the lots should be thirty feet front by sixty feet deep, and that any person might preempt a lot by laying a foundation on the lot, which foundation should hold the lot ten days, and if a person record his lot at the time of laying the foundation, then the foundation should hold good for twenty days. And it was decided that if there were no improvements made on the lots at the expiration of the ten or twenty days, the lots should be jumpable; but all persons should record their lots. G. J. Wood was elected recorder of the town. All disputes to be settled by the commissioners or an arbitration, until civil law is established."

No sooner was the town laid out than a fierce rivalry for choice locations was inaugurated. Lots were jumped and jumped again, a close watch being kept upon the most desirable sites, and just as soon as the person recording a lot failed to comply with the regulations adopted some one else would walk in and take possession. Fights were frequent, angry and profane words still more frequent, but out of all this turmoil arose the fair city of Helena. Three years later nearly three thousand votes were cast in the city that had sprung up as if by magic and the value of taxable property was almost three million dollars.

Other important gold discoveries during the year 1864 were at Silver Bow in July; the German gulch in September; the Confederate gulch early in December; the Nelson gulch on Christmas day and the famous Whitlach Union lode, that four years later yielded nearly six hundred thousand dollars. Allison and Humphreys located the Missoula lode at Butte City in June, and formed the Missoula company. In the fall rich placer mines were discovered in the vicinity, a mining district having already

been organized with William Allison president, and G. O. Humphreys recorder.

On August 27, 1864, the first copy of *The Montana Post*, the first newspaper published in the Territory, made its appearance. The publication office was at Virginia City and the first regular editor was Thomas J. Dimsdale, who also taught one of the first schools in Montana. The *Post* was published weekly two years, when it was changed to a tri-weekly. The first two numbers were issued by John Buchanan, when Daniel W. Tilton and B. R. Dettes became and continued to be the proprietors until 1868 when George M. Pinney bought the paper, moved the office to Helena, and the following year the publication was suspended.

The spring of 1865 was unusually slow, and the preceding winter had been very severe. As a result freight was almost entirely suspended, and the supply of provisions in the mining camps ran low. In Virginia City, on the fifteenth of April, flour was selling for forty-five dollars per one hundred pounds. Two days later this price jumped to one hundred and fifty dollars and this gave credence to the rumor that an attempt was being made by certain mercenary merchants to corner the provision market. A meeting was called at Leviathan hall to protest against such a course, and devise means to divert a famine. S. R. Blake was chosen chairman, and while the meeting was in session word came to the hall that three men were plundering a provision store at what was known as Content's corner. Heil Howie, one of the leaders of the Vigilance Committee and a man of undaunted courage, was sent to the store to put a stop to the proceedings. Entering the store he addressed the three men thus: "Gentlemen—this uprising is to get flour and pay a reasonable price for it; it is not to sack the town. The first man that steals from a store or saloon will be shot or hanged. The same men who fought for law and order a few months ago are prepared to fight for it now."

Col. W. F. Sanders, afterward one of the first United States senators from the State, and others also made speeches counseling moderation. But the hungry populace were now thoroughly aroused, and the search for flour was continued. Merchants were notified that no attempt to remove their stocks of flour from the town must be made. In this exigency a committee of citizens took charge of affairs. All the flour in Virginia City was surrendered to this committee, carted to Leviathan hall and sold in small lots to the people, the merchants receiving thirty-six dollars per one hundred pounds for it at first, but as the scarcity became

apparent this price was advanced to forty dollars. The arrival of the first pack train with a fresh supply put an end to the trouble.

During the first half of 1865, several new gold deposits were discovered, some of which proved to be among the best paying mines in the Territory. Ophir gulch was discovered by Hagle and Pemberton in January; McClellan gulch, on Prickly Pear creek, Eagle creek, in the Little Prickly Pear basin and Greenhorn gulch, in February; Lump gulch in March; Consolation bar in Greenhorn gulch in April; White's gulch in May; Oregon gulch and Carpenter's bar in June, and Kingsbury and Rattlesnake gulches in July. The stampede to Ophir gulch began in March, and the first rush to the Coeur de Alene mines occurred in July. The prospector was everywhere. Single and in groups these hardy gold hunters stuck a pick in every little hillside or washed out a pan of gravel from every bar. It was in the summer of this year that two of the largest nuggets ever found in Montana were discovered. The largest, which was found in Snow Shoe gulch, weighed one hundred and seventy-eight troy ounces and was worth three thousand two hundred dollars. The other which was worth two thousand and seventy-three dollars, was thrown out of Maxwell and Hollins' claim No. 5, in Nelson gulch, with a sluice fork, and was picked up by a boy. The excitement following the finding of these great lumps of native gold may be imagined.

It had been hoped and expected that the organization of the Territory, and the introduction of civil authority, would check the lawlessness that had become so prevalent in Montana. But, while there was an improvement in some directions, the constant stream of humanity to the gold mines brought more than enough vicious characters to keep up the supply. Immediately following the close of the great Civil war, a great many ex-soldiers of both armies found their way to the gold fields. Some brought with them the recklessness of the military camp without its discipline, and although in numerous instances the blue and the gray would fraternize, there were some hot heads who could not remember that the war was over. Collisions between these two classes sometimes occurred, but the consequences were rarely serious. The act of the legislature prohibiting the carrying of deadly weapons was rarely enforced after its passage. The year 1865 was ushered in by the murder of Thomas Wilson at Fort Owen on New Year's day. On the sixth of May John Keene, a gambler and all round ruffian, formerly of Memphis, Tenn., where he was known as "Bob" Black, discovered an old enemy, in the person of Henry

Slater, sitting in front of a store in Helena. Without a word of warning, Keene drew a revolver and shot Slater, who died in a few minutes. This was the first murder committed in Helena. Keene was promptly arrested, but a vigilance committee took him from the sheriff the next day and, after giving him a fair trial, hanged him at eleven o'clock that night.

The execution of Plummer and the leaders of his band had checked the operations of the road agents for a time, but the robbery of the overland coach at Port Neuf canon, in July, 1865, was conclusive evidence that the practice had not been entirely broken up. In the Port Neuf robbery four men were killed, and sixty-five thousand dollars in gold was secured by the robbers who escaped. These and other outrages gave new life to the Vigilance Committee, and the following pronunciamiento was issued:

"To all whom it may concern: Whereas divers foul crimes and outrages against the persons and property of the citizens of Montana have lately been committed, and whereas the power of the civil authorities, though exerted to its full extent, is frequently insufficient to prevent the commission and to punish the perpetrators thereof: Now this is to warn and notify all whom it may concern that the Vigilance Committee, composed of the citizens of the territory, have determined to take this matter into their own hands and to inflict summary punishment upon any and all malefactors in any case where the civil authorities are unable to enforce the proper penalty of the law. The practice of drawing deadly weapons, except in cases of last resort for the defense of life, being dangerous to society and in many instances leading to affrays and bloodshed, notice is hereby given that the same is prohibited, and offenders against this regulation will be summarily dealt with. This notice will not be repealed, but will remain in full force and effect from this date.

September 19, 1865.

VIGILANCE COMMITTEE."

The posting of this notice had a salutary effect upon the conduct of most of the bad men in the Territory. Quite a number left Montana for more congenial localities, and those who remained behind were careful to keep out of the clutches of an organization that they knew would live up to its pledges. Serious crimes were occasionally committed, but in every case the offenders were ferreted out by the vigilantes and executed. The last of these executions was on the thirtieth of April, 1870, when Joseph Wilson and Arthur Compton were hanged at Helena for the attempted

robbery and murder of a man named Lenhart on the Missouri river road, three days before.

Samuel McLean was re-elected delegate to congress in 1865. The first legislative assembly passed a bill establishing new districts in the Territory for the election of members of the council and house. This measure was vetoed by Governor Edgerton upon the ground of its unfairness, and failed to pass over his objections. No legislation of this nature was enacted, and this matter became a subject of bitter political strife in which the leaders of the Democratic and Republican votes took active parts. It was the contention of the latter that there was no authority for the people to elect another legislature without an act of congress providing therefor.

Upon the resignation of Governor Edgerton early in 1866, the territorial secretary, Gen. T. F. Meagher, became acting governor. During the winter frequent depredations had been committed by Indians on the road between Helena and Fort Benton. November 16, 1865, General Meagher had made a treaty with the tribes in this section, in which they had agreed to let the whites pass through the country unmolested. A number of responsible men came to Governor Meagher with accounts of outrages committed and lists of property that had been stolen, and requested him to undertake an expedition against the Indians. From these accounts General Meagher felt warranted in raising volunteers to protect the travel along the road and the property of the settlers. This first commission was issued to C. D. Curtis, as captain, under date of February 6, 1866, and the work of enrolling men was begun.

With some mounted scouts General Meagher went to the camp of a friendly chief, named Little Dog, near Fort Benton. From Little Dog the governor learned who the Indians were that had violated their treaty obligations. That settled Little Dog's fate. The white chief had been seen in his camp, and not long after General Meagher's visit he was killed while returning to some white settlers their horses that had been stolen by the Indians.

Having no money to pay the expenses of an expedition against the Indians, the acting governor called the first legislature to meet in extra session on the fifth of March, 1866, at Virginia City. When the legislature assembled, General Meagher presented a petition from S. B. Matthews asking for an appropriation to organize and equip a company of one hundred men. The legislature was inclined to look with favor on the proposition, but the war department interposed an objection, and the movement to

organize a military force came to naught. The companies of scouts recruited by Captain Curtis and other officers were disbanded, and the frontier was left without protection.

All the acts of the legislature at this session were annulled by congress, because that body lacked authority. On October 6, Governor Smith arrived at Virginia City, relieved Acting Governor Meagher and assumed the duties of the office.

Green Clay Smith, the second governor of the Territory of Montana, was appointed by President Johnson and was commissioned on the thirteenth of July, 1866. He was born at Richmond, Madison county, Ky., July 2, 1832. His father, John Speed Smith, was a distinguished Indian fighter, and took an active part in the Indian wars during the early part of the nineteenth century. He served under General Harrison, was at the battle of Tippecanoe, and, at the battle of the Thames, in 1813, was General Harrison's aide-de-camp. The son inherited the warlike instincts of his father. Before he was fifteen he enlisted in the First Kentucky cavalry in the war with Mexico and served till the return of peace, coming out as second lieutenant. In 1849 he was graduated from Transylvania University at Lexington, Ky., and in 1852 from the law department of the same institution. During the next ten years, he practiced law at Covington, Ky. When the Civil war broke out, he cast in his lot with the Union, and on the fourth of April, 1862, entered the service as colonel of the Fourth Kentucky volunteer cavalry. He was wounded at Lebanon, Tenn., May 5, 1862, but continued with his regiment, and in June was promoted to the rank of brigadier general for gallant services. For his defeat of the Confederate forces under General Forrest at Rutherford creek, Tennessee, he was complimented in orders from General Rosecrans. At the election of 1862 he was chosen representative to congress from his district and upon the assembling of congress in December, 1863, resigned his commission to take his seat. He was re-elected in 1864, and before the expiration of his second term, was appointed governor of Montana. This position he held nearly three years, in which time a great deal toward promoting order and prosperity in the Territory was accomplished. The Indians under Sitting Bull and Crazy Horse had for some time been annoying the miners and settlers. In the spring of 1868 the general government took up an aggressive policy and the Indians were soon subdued. A year later Governor Smith resigned and afterwards entered the ministry of the Baptist church, becoming pastor of a congregation in Washington, D. C., where he spent the remaining years of his life. In 1876 he was the Prohibition can-

didate for president of the United States. He died at Washington June 30, 1895.

Up to 1866 most of the emigration to Montana had been over what was known as the Bozeman road. This road ran through Wyoming and Dakota, and formed the most direct overland route from the central states. Fort C. F. Smith had been established on this road in the winter of 1862-63, for the protection of the emigrant trains that must pass through the Indian country. About the same time that Fort Smith was erected, the first house in Bozeman, on the line of this road, was built. In 1866 the Indians along this route grew more hostile, and a detachment of troops under General Carrington was sent out, and Fort Phil Kearney was established. After the massacre at Fort Phil Kearney, December 27, 1866, all the forts were abandoned and the roads closed to travel, greatly to the injury of Montana.

While Anderson and the two Stuart brothers were working their first sluices in Pioneer gulch, they pastured their horses on an adjacent hillside. In the summer of 1866 that hillside was found to contain gold, and became known to the gold seeking fraternity as Bratton's bar.

The first newspaper in Helena, the *Rocky Mountain Gazette*, was established in 1866, the first number being issued August 11. E. S. Wilkinson and Peter Ronan published it as a Democratic weekly until 1868 when Martin Maginnis bought Wilkinson's interest, and in March, 1868, started a daily. The publication continued with varying fortunes until the plant was destroyed by the big fire in August, 1872, when it suspended.

Governor Smith called an extra session of the legislature to meet November 5, 1866. In pursuance of this call, the legislature met at Virginia City and organized by the election of Charles S. Bagg president, and William Y. Lovell secretary of the council; Alexander E. Mayhew, speaker, and Anthony H. Barret, chief clerk of the house. Several acts were passed at this session, and memorials to congress asking for the establishment of a number of post roads and a land office in Montana, were adopted. But like the special session of the preceding spring, the laws enacted were all annulled by the act of congress, approved March 2, 1867.

Indian depredations still continuing, especially on the Helena and Fort Benton road, John M. Bozeman wrote a letter to the war department in March, 1867, urging that some action be taken to protect the people, and stating that many were preparing to leave the Territory unless protection was accorded them. This was probably the last letter Mr. Bozeman ever wrote, for a short

time afterward he was killed by the Indians. His letter, in connection with other efforts along the same line, brought good results. Fort Snow, on the Sun river, was established in June, by Major Clinton, with four companies of the Thirteenth infantry, the object being to protect communication between Fort Benton and Helena.

General Meagher was succeeded as territorial secretary by James Tufts, who was commissioned March 28, 1867, but did not qualify until after the untimely death of his predecessor. In May, he asked permission from the government to raise a force of eight hundred men as a territorial battalion. Permission subject to the report of an officer of the army was granted by General Sherman, then lieutenant general.

General Meagher stopped at Fort Benton on his way to Camp Cooke to receive one hundred and thirty muskets which the government had proffered to the territorial authorities for use in the war with the Indians. He was the guest of an officer on the steamboat G. A. Thompson and had retired with the intention of going to Camp Cooke on the following day. During the night of July 1, in passing from the upper to the lower deck, he fell into the Missouri river and was drowned and his body was never recovered. Governor Smith on the third issued a proclamation ordering the offices and military posts of the Territory to be draped in mourning.

Thomas F. Meagher was an Irishman by birth and his life was an eventful one. At the age of twenty-two years, he was a recognized leader in the Young Ireland party, and was radical in his denunciations of England's policy. He was arrested, tried for high treason, and sentenced for life to VanDieman's land. For four years he was a prisoner there, when he forfeited his parole and came to America, arriving at New York in May, 1852. Here he started a paper called the *Irish News*, the first number of which was issued in April, 1856. His record as a soldier in the Civil war is a brilliant one, and his tragic death was generally lamented. At the time of his death he was not quite forty-four years of age.

On August 27, General A. H. Terry issued an order establishing Fort Ellis, about three miles from Bozeman, and work was begun upon it at once, though the fort was not completed until the fall of 1868. The erection of a fort three miles below the McAdow or Yellowstone canon, was also ordered, and regarding this fort Colonel Howie issued the following order, August 27:

"Headquarters Montana Militia, in the field: In respect to the memory of the lamented Thomas Francis Meagher, the patriot,

scholar and soldier, by whose proclamation, as the acting chief magistrate of Montana, this protective movement was inaugurated, and under whose wise supervision it was placed on a basis of effectiveness, and who lost his life while engaged in rendering the organization still more efficient, this military post shall be known as Fort Thomas Francis Meagher."

In 1867 James M. Cavanaugh was elected delegate to congress, and a new legislature which met at Virginia City on the fourth of November was also chosen. The council was organized by the election of Charles S. Bagge president and Thomas B. Wade secretary. Wellington Stewart was chosen speaker of the house and Anthony H. Barret, chief clerk.

The time of the regular session expired by limitation on the thirteenth of December, but, the affairs of the Territory requiring additional legislation, the governor called a special session of ten days, beginning on the fourteenth and ending on the twenty-fourth. A number of acts, passed by the two extra sessions and annulled by congress, were re-enacted at this regular and special session. A bond issue of sixty thousand dollars, bearing fifteen per cent interest and payable in from two to five years, was authorized to redeem outstanding territorial warrants. The city of Helena was incorporated by the act of December 24, and F. B. Miller, W. C. Gillette, Warren Toole, John McCormick and Robert Lawrence were named as commissioners, with instructions to hold the first city election on the third Monday in January, 1868. Madison and Jefferson counties were authorized to levy taxes to build court-houses, and a curative act relating to the organization of Meagher county was passed early in the session. Several mining laws were enacted. David Short and James B. Campbell were appointed commissioners to lay out and construct a wagon road from Bozeman to Helena, via Nelson's crossing on the Gallatin river, the three forks of the Missouri river and Springville. The California Practice act, which had been amended so as to be applicable to Montana, was adopted and enacted into law by this session.

On May 7, 1868, by a treaty made at Fort Laramie, Dakota, the Crow Indians relinquished their rights to that part of their reservation in Montana lying between the Yellowstone and Powder rivers, and east of the one hundred and seventh meridian. Three days later, at the same place, another cession was obtained from the Crows, Northern Cheyennes and Arapahoes, bounded as follows: Beginning at the mouth of the Powder river; thence up the Yellowstone to the mouth of Twenty-five Yard creek; thence

in a direct line to the head waters of the Musselshell; thence down the Musselshell to its confluence with the Missouri river; thence in a direct line to the mouth of Powder river, to the place of beginning.

The fifth session of the territorial legislature met at Virginia City December 7, and adjourned January 15, 1869. In the organization of the council Samuel Russell was elected president and C. C. Menaugh, secretary. Alexander E. Mayhew was elected speaker of the house and Rufus E. Arick, chief clerk. Congress was memorialized to build a military road from the mouth of the Musselshell to Fort Ellis, and one from Box Elder, Utah, to Helena via Bannock, Silverbow and Argenta; to make a geological survey of Montana; to negotiate a treaty with the Crow Indians for the protection of citizens in the valley of the Yellowstone, and to put the Flatheads on the Jocko reservation. In the endeavor to solve the problem of raising revenue, they passed acts providing for the collection of license fees from all amusements and a number of occupations. Hurdy gurdy houses were taxed ten dollars a day; billiard tables forty dollars a year each; lotteries, raffles, gaming tables, etc., were taxed by this license system, and a failure to take out license was punishable by a heavy fine. Dawson county was created on the last day of the session, and the county seat was located at Fort Peck.

During the summer Camp Baker (now Fort Logan), was established on Smith's river, about forty miles east of Helena, and Fort Benton was bought by the United States. Both of these posts were garrisoned by detachments from the Thirteenth infantry. Fort Parker was also established, thirty-five miles from Bozeman, by Leander M. Black. It was the best fort in the Territory at the time, and was located about a mile south of the Yellowstone on an eminence that commanded a good view of the surrounding country.

On April 9, James M. Ashley was appointed to succeed Governor Smith, and on the twentieth of the same month Wiley S. Scribner was named for secretary. James Mitchell Ashley, third territorial governor of Montana, was born near Pittsburg, Pa., November 24, 1822. When about fourteen years of age, he ran away from home, finding employment first as cabin boy and later as a clerk upon an Ohio river steamboat. Several years were now spent in a roving life, during which time he wandered through a number of states, engaging first in one thing and then another, but always with success. He finally settled at Portsmouth, O., where he learned the printer's trade and began the publication of a paper.

The enterprise, however, was not to his liking, and in 1851 he removed to Toledo, where he became connected with a wholesale drug store. While in Toledo he studied law and was admitted to the bar. He took an active part in the first Republican convention of Wood county, O., in 1854, and in 1858 was elected representative to congress, where he served for ten years. He soon became recognized as a leader in Republican councils and an uncompromising abolitionist. During the first session of congress after the election of President Lincoln, Ashley introduced a bill providing for the abolition of slavery in the District of Columbia. The bill was so radical that it met with no support, and another bill, of a less drastic nature, was substituted. This second bill was partly the work of Mr. Morrill, of Maine, who became a coadjutor of Mr. Ashley, in his efforts to start the entering wedge into the slavery question. It appropriated one million dollars to compensate the slave owners, and passed on the 11th of April, 1862. On the 14th of December, 1863, he introduced a proposition to amend the constitution of the United States by abolishing slavery. June 15, 1864, this proposition was defeated in the house, but he managed to convert enough members to secure its passage on a reconsideration. He began the impeachment proceedings against President Johnson in 1867, and offered an amendment to the constitution providing for the election of president by a direct vote of the people. As chairman of the committee on territories, he assisted materially in the organization of Arizona, Idaho and Montana, and in 1869 was appointed governor of the last named, but resigned the office at the end of a year, owing to a disagreement with President Grant. His resignation of this position was virtually his retirement to private life. When he left the political arena, he was financially a poor man, but, seeing the possibilities of a railroad from Toledo to Lake Michigan, he secured valuable terminal privileges at Toledo, and with his son, James M. Ashley, Jr., built the Toledo, Ann Arbor and Northern Michigan. This road soon became an important line to the Northwest, and enabled him to retrieve his shattered fortunes. He died September 16, 1896.

The sixth session of the territorial legislature was held, beginning December 6, 1869, and ending January 7, 1870. Walter B. Dance was president of the council, and Reuben S. Leveridge, secretary. In the house James R. Boyce, Sr., was speaker and George W. Rockfellow, chief clerk. The first legislature had passed a number of acts granting special privileges to the companies and individuals, in the way of building wagon roads and

bridges, and establishing ferries. These charters had become obstacles to travel, and the principal work of the sixth session was to pass acts repealing them. While the repealing acts met with vigorous opposition from the owners of the special privileges, the abolition of high toll rates encouraged travel and incidentally stimulated immigration.

During the spring of 1870 Lieut. Gen. P. H. Sheridan made a tour of inspection of the military posts of Montana, and in the fall the Seventh infantry under Col. John Gibbon relieved the Thirteenth at the several forts. A new administration began in July, with B. E. Potts as governor and Addison H. Sanders as secretary.

CHAPTER III

Montana, from 1870 to 1884

BENJAMIN F. POTTS, the fourth territorial governor of Montana, was born in Carroll county, O., January 29, 1836. Until he was seventeen years of age, his time was spent in farm work during the summer and in attending the public schools during the winter. When he was seventeen, he obtained a position as clerk in a dry goods store, where he worked for one year, saving every possible cent of his wages to pay his way through school. Upon leaving the store he entered Westminster College, Pennsylvania, where he studied during the years 1854-55, when his money gave out, and he returned to Ohio and took up the work of a teacher. In the campaign of 1856, he took an active part, and, although but twenty years of age, won quite a reputation as a speaker. The following year he entered the law office of E. R. Eckley at Carrollton and in 1859 was admitted to the bar. He followed his chosen profession until the fall of Fort Sumter, when he raised a company of volunteer infantry of which he was chosen captain. This company was made part of the Thirty-second Ohio, and was soon in active service at Greenbrier and Cheat mountain. The regiment, under Generals Milroy and Fremont, took part in a number of engagements, in all of which Captain Potts bore himself a true soldier. On December 2, 1862, he was commissioned lieutenant colonel of his regiment, and on Christmas day was promoted to the rank of colonel. He took part in the Vicksburg campaign, was with General Sherman in his famous march to the sea, and was promoted to the rank of brigadier general. He was mustered out in 1866, and returned to the practice of law. In 1869 he was elected to the Ohio state senate, and the next year he was

appointed governor of Montana by President Grant. This office he held for more than twelve years. While he was governor, the war with the Sioux Indians occurred. After retiring from the office he began the practice of law at Helena, and served as a member of the territorial legislature. He died at his home in Helena, June 27, 1887.

According to the census of 1870, the population of the Territory was 20,595, the largest city being Helena, with a population of 3,710. The number of Indians was 32,412. This was the first census taken in Montana. Ten years before the whole Territory was uninhabited by white men, except for a few trappers and Indian traders, most of whose homes were in other states. Since the discovery of gold in 1862, all this population had come. In that time more than one hundred ten thousand dollars in gold had been taken from the mines. Telegraphic communication between Helena, Bozeman, Deer Lodge, Virginia City and Corinne on the Central Pacific railroad had been established. The great need of the Territory was railroads, and when, in the fall of 1871, the Northern Pacific sent their surveyors into Montana to locate a line through Bozeman pass and Yellowstone valley, hopes arose that the need would be supplied. But it was not to be. Trouble with the Indians under Red Cloud and delay in disposing of the stocks and bonds of the company, left Montana without a railroad until another census was taken.

A. H. Sanders served as secretary only about six months, being succeeded by James E. Callaway, January 27, 1871, and in August of the same year William H. Clagett, a Republican, was elected delegate to congress.

On December 4, 1871, the seventh session of the legislature met at Virginia City. Amistead H. Mitchell was elected president of the council and Rufus E. Arick, secretary. In the house, Harry R. Comly was elected speaker, and Benjamin Ezekiel, chief clerk. The most important work of this legislature was the codification of the territorial laws, the codes adopted being known as the civil practice act, the criminal practice act, criminal, general and miscellaneous, and special laws. A school system modeled after that of California was adopted. The session adjourned January 12, 1872. Martin Maginnis, Democrat, was elected delegate to congress in 1872, and was re-elected biennially until 1882.

By agreement with the Crow Indians, made August 16, 1873, a reservation was to be located in the basin of the Judith river,

and by an executive order, January 31, 1874, the proposed reservation was withdrawn from settlement. But the Crows repudiating the agreement, congress refused to ratify it, and the order was rescinded in March, 1875. By another executive order of July 5, 1873, a reservation north of the Missouri and Marias rivers, west to the main divide, was set apart for the Blackfeet, Gros Ventres, River Crow, Bloods and Piegiens, and on the ninth of April, 1874, these tribes ceded that part of their former reservation lying south of the Marias and between the Missouri river and the main divide. This cession was ratified by congress, April 15 1874, and opened to settlement by the president's orders of April 13, 1875. At the same time, the reservation was increased by a tract of land lying between the Missouri and Yellowstone rivers, extending south to the forty-seventh parallel, and west to the Musselshell river.

Under the provisions of the school law passed by the seventh session of the legislature, ninety schools, with an attendance of 1881 pupils, were in operation in 1874.

On January 5, 1874, the eighth regular session of the territorial legislature convened at Virginia City. George W. Stapleton and A. M. S. Carpenter were respectively elected president and secretary of the council; John H. Rogers, speaker, and Anthony H. Barret, chief clerk of the house. On the eleventh of February, the governor approved an act providing that at the election in August, the people should decide between Virginia City and Helena for a territorial capital. This question had been voted on in 1869, and Helena had been defeated. A dispute arose in 1874 over the count of the votes in Meagher county. W. F. Wheeler, the United States marshal, in a communication to the governor, claimed that 561 votes had been counted against the removal to 25 for removal, when the figures ought to have been exactly reversed. The supreme court was applied to for a writ of mandamus to recanvass the vote, and also to remove the capital to Helena. The case was heard by the full bench in January, 1875, and the writ was granted, Chief Justice Wade and Judge Knowles concurring and Judge Servis dissenting. An appeal was taken to the supreme court of the United States, but was dismissed for want of jurisdiction. The vote was recanvassed immediately after the decision of the territorial court, and Governor Potts issued a proclamation declaring Helena the capital and ordering the removal of the territorial offices. The first capital was established by a proclamation of Governor Edgerton at Bannock. An

act authorizing the location of the capital at the city of Virginia was passed by the legislature February 7, 1865. It remained the capital until removed to Helena in January, 1875.

On January 9, 1874, a disastrous fire occurred in Helena. Nearly half the business portion of the town was destroyed. One hundred and fifty buildings were burned, and the total loss reached eight hundred fifty thousand dollars. The fire originated in a Chinese gambling house.

In the organization of the ninth session of the territorial legislature, which met at Helena, January 3, 1876, Asa A. Brown was elected president of the council, and Harry R. Comly, secretary; Samuel W. Langhorne, speaker of the house, and Anthony H. Barret, chief clerk. Congress was memorialized to improve the rivers of Montana and construct additional military highways. The president has issued an order October 20, 1875, making an addition to the Crow reservation of a strip of land twenty miles wide along the north side of the Yellowstone and extending from the one hundred and seventh meridian to the Mussel-shell river. A strong petition to the president asking him to rescind the order was adopted. It was accordingly revoked, March 3, 1876. A petition requesting him not to remove Camp Baker in Meagher county was also forwarded to the secretary of war.

The Indian depredations that had been going on for several years culminated in the spring of 1876 in a general outbreak in Montana, Dakota and Wyoming. The most important event of this war occurring in Montana was the massacre of General Custer's command on the Little Big Horn, June 25. The Nez Percé outbreak occurred during the next year and this tribe under Chief Joseph invaded Montana. The battles of the campaign were fought August 9, 1877, at Big Hole, and October 3, 1877, at Bear Paw mountain.* Early in March, Fort Pease, which had been established by the Yellowstone expedition two years before was evacuated by order of General Brisbin. At the beginning of the year, the fort was garrisoned by forty-six men. Of these, six had been killed by the Indians, eight were wounded and thirteen had deserted, so that at the time of General Brisbin's order there were only nineteen in the fort and they were almost in a state of siege. The fort was burned by the Indians in May.

While these disturbances were going on, the men of Montana

* For more concerning this war see the general historical part of this work.

did not stand idly by waiting for the regular troops to subdue the Indians. Helena took the initiative, and at a war meeting on Sunday, July 29, 1877, three companies of fifty men each were organized; also a company of cavalry under Capt. Thomas P. Fuller, and the Helena Light Artillery under command of Capt. C. D. Curtis. On the thirty-first, Governor Potts appointed the following staff officers: R. H. Mason, chief of ordnance; Peter Valiton, chief quartermaster; S. E. Larabie, chief commissary; A. H. Mitchell, surgeon general.

No sooner did the result of the fight on the Big Hole become known, than there was a general uprising. Companies of citizen soldiery were organized in all the principal towns and mining camps. At Butte a meeting was called immediately upon hearing of the battle, and a company of sixty men was soon ready for service. W. A. Clark was chosen major; James A. Talbott, captain, and T. M. Lowry, lieutenant. In the absence of a public appropriation for equipment and supplies, a committee of three, composed of Marcus Daly, Lee W. Foster and John Downs, was appointed to raise funds to meet the necessary expenses. The people responded liberally, and within a few hours a fund of several hundred dollars was in the hands of the committee. Teams and wagons for the conveyance of supplies were furnished gratuitously by their owners.

Companies from other towns were soon organized and ready to co-operate with Major Clark and his forces. Deer Lodge sent twenty-two men under Capt. Thomas Stuart. Sixteen men under Capt. V. B. McGueston came from Beartown, and thirty-five under the leadership of Capt. James E. Callaway, came from Madison county. The latter had been succeeded as secretary of the Territory by James H. Mills in May. Captain Callaway's company was the first to see active service, being in the engagement at Camas Meadows on the twentieth of August.

The rapid flight of the Nez Percé under Chief Joseph, Looking Glass and White Bird, after the battle of Big Hole, prevented the Montana volunteers from taking any considerable part in the military movements against the Indians, but their prompt action in an emergency showed that they were ready to defend their homes and repel invaders.

As a consequence of the Indian outbreak, several new military posts were established in the Territory. Fort Missoula, on the Bitter Root, was located by Lieutenant Worden, in the summer of 1877, and garrisoned by two companies of the Seventh infantry under Captains Rawn and Logan. Fort Custer was estab-

lished in August on the Little Big Horn, where the gallant Custer and his men were so ruthlessly slaughtered. A number of lodge poles, left by the Indians in their hurried departure after the massacre, were used in the construction of barracks. Fort Custer, at the time it was built, was one of the strongest in the Northwest, more than two thousand cottonwood logs being used in its construction. Early in November the military post of Helena was established by the officers of the Third infantry. The post was located on Ten Mile creek, a short distance west of the capital, and when first established was named Camp Helena, and garrisoned by five companies of the Third regiment.

W. A. Clark was the state orator at the Centennial Exposition at Philadelphia in 1876. His address was a comprehensive presentation of the resources of Montana, and received a large circulation. Prior to 1876 but little attention was paid to silver mining, although more or less silver had been found in connection with the mining of gold. The work of mining silver in a systematic way began this centennial year, and the product soon outstripped that of gold. During the next twenty years, nearly one hundred seventy-five million dollars in silver was taken from the Montana mines.

From January 8 to February 16, 1877, the tenth session of the legislature was held at Helena. William E. Bass was president and H. R. Comly secretary of the council, and Alexander E. Mayhew, speaker, and Anthony H. Barret, chief clerk of the house. They adopted memorials to congress asking for the establishment of a mail route from Bozeman to Cheyenne in Wyoming; a change in the boundary line between Montana and Idaho; a reduction in the land grant given to the Northern Pacific railroad and bonds issued instead; the acquisition of part of the Crow reservation, and the establishment of a branch mint at Helena.

They passed acts changing the name of the Stinking Water to the Ruby river, and Boulder creek to Clear creek. Lewis and Clark had conferred the name of Philanthropy river upon the former, but because of the great number of sulphur springs that discharged their contents into it the Indians gave it the name of Stinking Water, and the first settlers adopted the Indian names. Notwithstanding this act of the Montana legislature, the stream still appears on the maps as the Stinking Water.

Fort Keogh was established March 14, 1878, by the president's proclamation, and ninety square miles were set apart for a military reservation. It is located on the Yellowstone river near Miles City. In October, communication was opened up between

Helena and Butte by means of a new wagon road connecting with the Helena and Salt Lake road at Boulder.

Col. John R. Brooke, of the Third infantry, was placed in command of the district of Montana, and established headquarters at Fort Shaw in October. At the same time General Gibbon and six companies of the Seventh infantry left the Territory, the balance of the regiment leaving in April, 1879.

Armistead H. Mitchell was president of the council, and H. R. Comly secretary, during the eleventh session of the legislature, from January 13 to February 21, 1879. In the house Samuel Word was elected speaker and James E. Kanouse, chief clerk. This session adopted memorials asking congress to repair the Mullan road from Walla Walla to Fort Benton; to enlarge the penitentiary at Deer Lodge (there were only twenty-eight cells in the prison); to improve the Missouri and Yellowstone rivers, and to transfer the management of Indian affairs to the war department. A petition asking for the establishment of a cavalry post at Henry's lake near the head of the Madison river, was presented to the secretary of war, and a strong memorial setting forth reasons why Montana should be admitted into the Union as a state, was sent to congress and the president.

On May 9, Fort Assiniboine was established on Beaver creek five miles from the mouth of Milk river. This was the largest and best equipped military post in the Territory. The enclosure was 1,900 by 3,600 feet, inside of which were fifty-nine buildings, among them a bowling alley and theater. The parade ground was 400 by 2,000 feet. All the buildings were of a substantial character, and, located as it was in the country of the murderous Blackfeet and well garrisoned, its establishment was a great relief to the people of Montana.

In July, 1880, Fort Maginnis was established by Captain Park with two companies of the Third infantry. It was located nearly in the center of Fergus county, at the foot of the south slope of the Judith mountains, on a reservation nine miles long and seven wide. Its establishment was due to the efforts of Martin Maginnis, the territorial delegate in congress, and the fort was named in his honor.

The year 1880 marks an epoch in the history of Montana, for it was then that it was first connected with the outside world by railroad. Prior to that time all freights and passengers bound for the gold fields of Montana were either transported up the Missouri river by steamboat, or carried in wagon trains across "the plains" or over the Mullan road, or from Corinne, Utah,

the nearest station on the Central Pacific railroad. Even this nearest railway station was more than five hundred miles from Helena. In 1878, the Utah and Northern railroad was begun, and about one hundred miles of track were laid before the close of the year. The next year almost one hundred and fifty miles of roadbed were completed, but only thirty miles of track were laid. Work on the line was pushed forward as rapidly as possible, and on the morning of March 9, 1880, a special train left Beaver Canon, having on board the officials of the road and a large number of visitors to be present at the ceremony of driving the first spike in Montana. This ceremony took place just east of Pine Butte and about ten miles southeast of Spring Hill. After a song of praise, in which all present joined, the telegraph wire was cut and so attached to the hammer and spikes that the strokes would be recorded in all the telegraph offices connected with the line. Bottles of champagne were then opened, and a toast was drunk to the success of the undertaking. Capt. E. T. Hulaniski, the general agent of the road, in a short address gave a history of the formation of the company and the building of the road. He was followed by Washington Dunn, superintendent, and L. J. Fisk, assistant superintendent of construction. Two silver spikes were driven, the first by Captain Hulaniski, and the second by the little children present, each giving it one stroke. Telegraphic communications were then restored, and congratulatory messages were received from all of the Montana offices, where crowds had collected to listen to the clicks that announced the beginning of railroad transportation in Montana. The northern terminus of the Utah and Northern was Silver Bow, but it has since been completed to Garrison, where it connects with the Northern Pacific. The distance from Garrison to Ogden is four hundred and thirty-four miles.

In May 14, an agreement was made with the Crow Indians, by which they ceded to the United States a tract of land forming the western portion of their reservation. By an act of congress July 11, ratifying the agreement, the boundaries of this cession were fixed as follows: Beginning on the Yellowstone to the southern boundary of Montana Territory; thence east along the southern boundary to where it crosses Clarke's Fork; thence west on said township line to the one hundred and tenth meridian; thence north on the one hundred and tenth meridian to Boulder creek, and down Boulder creek to the place of beginning.

On July 13 the president issued an order restoring to the public domain that part of the Mandan, Gros Ventre and Arickaree res-

ervation lying east of the Powder and Yellowstone rivers and north of a line drawn from the mouth of the Little Powder river to a point on the Missouri river four miles below Fort Berthold, Dakota. The tract lying south of this line and between the Little Powder river and Big Box Elder creek, was restored to the public domain by an executive order April 12, 1870. But few settlements had been made there, because the surrounding country was in the possession of Indian tribes who were thieving and troublesome if not actually hostile. Another large tract of land was restored to the public domain and opened to settlement by the executive order of July 13, 1880. It was bounded on the north by a line running due west from the Yellowstone, along the south line of the Fort Bulford military reservation and continued to the Missouri river, on the east by the Yellowstone, on the south by the forty-seventh parallel and on the west by the Musselshell and Missouri rivers.

On January 10, 1881, the twelfth regular session of the legislature was convened at Helena. Joseph K. Toole was elected president of the council and H. R. Comly secretary. In the organization of the house John J. Donnelly was elected speaker and James E. Kanouse chief clerk. The legislature of 1879 had passed an act providing for the codification of the general laws of Montana and Harry R. Comly was appointed commissioner to do the work. On the first day of the session of 1881 he made a report to the effect that the laws had been divided into five classes or codes: The code of civil procedure; the probate practice act; the criminal practice act; the criminal laws and the general laws. No political code had been arranged for lack of time. The report was adopted early in the session, and this classification of the laws remained the codes of Montana for several years. On February 16, Governor Potts approved an act creating the county of Silver Bow from the southern part of Deer Lodge county. Butte City was made the county seat and Lee W. Foster, William M. Jack and J. Ross Clark were appointed the first board of county commissioners.

The Utah and Northern railroad was completed to Butte during the year, and about sixteen thousand tons of freight were brought into the Territory over the line. On December 21, the first passenger train reached Butte. It arrived at 11 o'clock p. m. and was received with general rejoicing. The old stage coach was from this time on to be numbered with the relics of the past so far as Butte was concerned, and more modern methods of transportation were to take its place.

On August 22, 1881, the governor negotiated a treaty with the

Crow Indians, by which they ceded a strip four hundred feet wide through their reservation for a right of way for the Northern Pacific railroad, that had already crossed the eastern boundary of Montana and was rapidly pushing its way up the Yellowstone valley.

During the summer and fall of 1882 a number of burglaries and highway robberies occurred at Butte. All were so well planned that the civil authorities were baffled in their efforts to bring the perpetrators to justice. As a last resort a committee of safety, composed of two hundred citizens, was organized, and a proclamation warning tramps and vagrants to stay away from the town was issued. Many of the worst characters left.

In 1882 President Arthur after deliberation appointed Col. John S. Crosby to succeed B. F. Potts, who for twelve years had been governor of the Territory. John Schuyler Crosby was the fifth governor of Montana while it was a territory. He was born in Albany county, N. Y., on the nineteenth of September, 1839. His ancestors, on both sides, took a prominent part in the struggle for American independence, his great-great-grandfather, Col. William Floyd being one of the signers of the Declaration. John Floyd was educated at the University of New York, but before completing the course left school for the purpose of travel. He visited several of the South American states, China, the East Indies and a number of the islands of the Pacific, and later joined an exploring expedition from Chili to Buenos Ayres across the continent of South America. When the Civil war began, he entered the regular army as second lieutenant in the First artillery. For a while his regiment was with McClellan in the army of the Potomac, but in 1862 was transferred to the department of the Gulf. He soon rose to the rank of captain, and, for gallant conduct at the battles of Pleasant Hill and Sabine, was breveted major and later lieutenant colonel. For several years after the war he was adjutant general on the staff of General Sheridan, and was with General Custer in the Indian campaigns of 1868-69. In 1871 he left the army, and five years later was appointed consul to Florence, Italy, by President Grant. While he was in this position, the king of Italy bestowed upon him the decoration of the crown of Italy, because of his successful efforts in breaking up a notorious band of criminals in Tuscany. In 1882 President Arthur appointed him governor of Montana, which office he held but little more than a year, resigning in November, 1883, to accept the position of first assistant postmaster general. About a year after the inauguration of President Cleveland, he left the post

office department and returned to New York. From 1889 to 1891 he served on the board of school commissioners of New York city, and after that traveled extensively for several years. While governor of Montana, he exerted all his influence to prevent the beautiful and romantic region of the Yellowstone Park from passing into the hands of a syndicate.

In the organization of the thirteenth session of the legislature which met at Helena, January 8, 1883, Granville Stuart, one of the first settlers in Pioneer Gulch nineteen years before, was elected president of the council, and James B. Wells, secretary. Alexander E. Mayhew was again elected speaker of the house and David Marks, chief clerk. Yellowstone county was created and organized by the act of February 26, from the western part of Custer county, and a portion of Gallatin. Billings was named as the county seat, and John H. Gerrish, Frederick H. Foster and Paul McCormick were appointed county commissioners. Memorials to congress asking for another associate justice for the Territory and the establishment of a custom house at Fort Benton were adopted. On March 7, a joint resolution providing for a constitutional convention at Helena, beginning on the second Monday in January, 1884, was passed. By the provisions of the resolution forty-five delegates were to be elected on the first Monday in November, 1883. The secretary of the Territory was instructed to keep an account of the expenses incurred and present the same to the auditor after the adjournment of the convention. The latter would then draw warrants on the territorial treasury for the payment of the several amounts.

During the spring and the early part of the summer, a number of dissolute characters gathered at Miles City and for a time terrorized the town. Finally, one of their number, William Rigney, was arrested and lodged in jail. On Sunday, July 22, fire broke out in the Cosmopolitan theater, and a crowd gathered to witness the scene or to assist in fighting the flames. While the fire was in progress, Rigney's case was discussed and after the flames were extinguished a body of masked men surrounded the jail, took Rigney out, conducted him with a rope about his neck to the railroad bridge over the Tongue river, and his lifeless body was left hanging to the framework. That same night a notice was left sticking on Charles Brown's door, by some of Rigney's friends, with a view to frightening some of the citizens suspected of being in the crowd that hanged Rigney. The notice read: "Notice—Bullard, Burleigh, Ringer, Dear, Van Gasken, Russell and other—Murderers—You're marked. 7-22-83." The date at

the end was in red ink, as if to make the notice more suggestive of blood. The next night the following notice was found at the same place: "Stranglers—Beware—You are known. 7-23-83. 1, p. m. No. 1. XX7." This time the whole note was in red ink and was in the same handwriting as the one of the previous evening. These mysterious notices instead of terrifying anyone brought forth a proclamation warning Rigney's confederates to leave the town. Seeing that their threats were of no avail, and knowing that the people were in no mood to be trifled with, the anti-vigilantes left the town and lawlessness at Miles City came to an end.

Doubtless the most important event in Montana during the year 1883 was the completion of the Northern Pacific railroad. Thirty-eight years had elapsed since Asa Whitney of New York first proposed a plan for building a railroad from the Great Lakes to the mouth of the Columbia river. He spent his entire fortune in trying to awaken public sentiment in favor of his scheme that congress might be induced to act favorably upon the bill in which his plan was embodied, and which was first introduced in congress in 1845. That bill provided for a land grant of thirty miles on each side of the road for the whole length. The bill signed by President Lincoln, July 2, 1864, gave to the railroad company the alternate sections of land from twenty miles on each side of the road in the states and for forty miles in the territories. In case some of these lands had been taken by settlers, the company could select lands of equal area to those so taken from an additional ten miles known as the indemnity grant. Josiah Perham, to whom the charter was granted in 1864, organized a company under the laws of Maine, called the People's Pacific Railroad Company, his plan being to raise one hundred million dollars by popular subscription to build a road along the route surveyed by Isaac I. Stevens in the early fifties, under the authority of the United States government. Perham's plan was a complete failure, and in 1865 he assigned the charter to a company of eastern capitalists who made a contract with Jay Cooke & Co. to dispose of the stock. Work was begun in 1870, and in 1873 the road was completed to Bismarck, Dak. In September Jay Cooke & Co. failed, which was the beginning of the great panic of '73, and work on the Northern Pacific was suspended until 1879. During these six years, a new company was organized and in the spring of 1880 the western terminus of the road was near the eastern boundary of Montana. In October, 1880, a traffic contract was made with Henry Villard, president of the Oregon railway, for an

outlet to the Pacific over his lines, and in June, 1881, Mr. Villard and his coadjutors obtained control of the Northern Pacific. On September 15, 1881, Henry Villard was elected president, and from this time construction went on rapidly until the road was finished.

Work had been carried on from both directions during the last two years, and on the morning of September 8, 1883, only one thousand feet of road about half way between Garrison and Gold Creek remained unfinished. In the afternoon special trains arrived from both the East and the West bringing throngs of people to witness the completion of the great trans-continental railway that was first proposed nearly forty years before. A detachment of the Fifth United States infantry was present, the band regaled the assembled spectators with national airs, and as the last rails were being placed in position an artillery salute was given. All the spikes were driven except the last. The honor of driving that spike was accorded Henry Villard, the president of the road, under whose skillful management that enterprise had been brought to a happy termination. That spike was of Montana gold, and the hammer with which it was driven was a massive sledge of solid silver. The last rail was connected with a telegraph wire running direct to the eastern office of the company on Broad street, New York, twenty-five hundred miles away, where the general officers of the road were gathered to catch the sound of the blows that were to announce the fulfillment of their hopes. As the strokes of the silver hammer rang out upon the mountain air, the assembled multitude maintained an almost breathless silence until the golden spike was driven home; then a mighty cheer rent the air. The great national highway that unites the Pacific coast with the Atlantic sea-board was finished. And there upon the crest of the continent, as the sun was sinking behind the mountains, the golden spike was carefully drawn, to be treasured away in the archives of the company, and was replaced by one of iron. That iron spike was the first one driven when the road was commenced in 1870. It was driven then as now by H. C. Davis, assistant general passenger agent of the road, and for thirteen years had been kept for the purpose to which it was now dedicated.

On the fourth of July, 1883, the first regular train arrived at Helena and the first "Bullion train" departed. Invitations had been sent out two weeks before, and thousands of people assembled to celebrate the anniversary of American independence, and see the novel spectacle of a train bearing one million pounds of

silver bullion. The train was made up of thirty-six new box cars, each of which bore a large placard with the legend: "N. P. R. R.—1,000,000 pounds Gregory Bullion, from Helena, M. T." As the train moved out, drawn by two ponderous engines, gaily decorated with the national colors, in honor of the day and the occasion, it was greeted by the firing of cannon, the blasts of steam whistles, the music of bands and the cheers of the people. It was a red-letter day for Helena. And, why not? Think of the first train that left Montana's capital being the bearer of five hundred tons of solid silver. What a promulgation of the mineral wealth of the Territory!

With the opening of the Northern Pacific, Montana took on new life. Population increased rapidly; the day of high prices because of primitive methods of transportation was over; new capital came seeking investment, and new labor came to develop the vast natural resources which as yet were barely touched. Of the one thousand nine hundred and eighty miles of the Northern Pacific from Duluth to Tacoma nearly eight hundred miles, exclusive of branches, are in Montana.

In November Governor Crosby resigned and the following month Governor Carpenter reached Helena. Benjamin Platt Carpenter, sixth territorial governor of Montana, was born at Stanford, Dutchess county, N. Y., May 14, 1837. At the age of twenty he was graduated from Union College at Schenectady, N. Y., and the following year was admitted to the bar. In 1858 he was elected district attorney of Dutchess county, and while holding this office was married to Miss Esther Thorne of Poughkeepsie. In 1864 he was appointed assessor of internal revenue, for the twelfth district of New York, by President Lincoln. From this time he became active in political work, being a member of the constitutional convention of New York in the winter of 1867-68; chairman of the Republican state convention in 1872; member of the New York state senate in 1875; delegate to the Republican national conventions of 1868, and 1872 and again in 1884. From 1876 to 1883 he was judge of Dutchess county, and at the expiration of his term was appointed governor of Montana by President Arthur, and served until July, 1885. In 1889 he was a member of the convention that drafted the state constitution under which Montana was admitted into the Union. Upon retiring from the office of governor, he began the practice of law at Helena, and was one of the commission to codify the laws of Montana.

In the pursuance of the act passed by the legislature of 1883,

delegates were elected in November to a constitutional convention which met at Helena January 14, 1884, and held daily sessions until February 9. Forty-five delegates were present, every county in the Territory being represented. William A. Clark of Silver Bow county was chosen president; Pail L. Van Cleve, secretary; J. B. Wells, assistant secretary; W. R. Armstrong, J. B. Walker and W. F. Wheeler, clerks; W. I. Lippincott, stenographer, and Samuel Alexander, sergeant at arms. The following is a list of the delegates by counties:

Beaver Head: Joseph A. Browne, Robert B. Smith. Choteau: Timothy E. Collins, William H. Hunt, Thomas C. Power. Custer: Andrew F. Burleigh, Samuel R. Douglas, Charles W. Savage, William Van Gasken. Dawson: J. F. Mallory. Deer Lodge: Joaquin Abascal, James H. Mills, John C. Robinson, Elihu B. Waterbury. Gallatin: Walter Cooper, George O. Eaton, Edward F. Ferris, Samuel W. Langhorne, Fellows D. Pease, Robert P. Vivion. Jefferson: Edward McSorley, Nathaniel Merriam. Lewis & Clarke: Matthew Carroll, Cornelius Hedges, William B. Hundley, George Steel, Joseph K. Toole. Madison: James E. Callaway, Horatio S. Howell. Meagher: James Fergus, William F. Haas, Joseph F. McClintock. Missoula: John B. Catlin, Richard A. Eddy, Washington J. McCormick, William J. Stevens. Silver Bow: William A. Clark, Marcus Daly, William W. Dixon, Francis W. H. Medhurst, Thos. L. Napton, William Y. Pemberton, John C. C. Thornton. Yellowstone: Fred L. Greene, Francis M. Proctor.

Politically twenty-six of these delegates were Democrats, seventeen Republicans and two Independent, but in the deliberations of the convention partisan bias was laid aside and all worked together to draft a constitution under which the Territory could be admitted into the Union as a state. The constitution adopted by this convention contained many features that five years later were incorporated into the constitution under which the State was admitted. It was ratified at the election in November by a vote of fifteen thousand five hundred and six, to four thousand two hundred and sixty-six, and as soon as congress assembled, a copy of the constitution was forwarded to Washington, together with the result of the vote on its ratification and a strong memorial praying for admission.

Both the Republican and Democratic parties held conventions early in the season and selected delegates to their respective national conventions. Wilber F. Sanders and Lee Mantle were elected by the Republicans at Bozeman on May 2, and the dele-

gates to the Democratic convention were Samuel T. Hauser of Helena, and Samuel Word of Butte. On September 27 the Republicans held a second convention at Helena and nominated Hiram Knowles, former associate justice of the supreme court for delegate to congress. Among the resolutions adopted were those declaring "that equality of taxation, according to its value, of all property within our limits, is an elementary principle of republican government; that the exemption of large and valuable properties and franchises from taxation is a practice to be regulated, condemned and terminated; and, to the end that all property within the limits of the Territory of Montana may share in the burden of government alike, we cordially recommend that, under the present, or some better constitution, to be speedily framed, the people of the Territory obtain admission into the Union as a state; that we demand such legislation of Congress as will cause an early and complete survey of all lands granted to railroads within this territory, and the completion of the title of them to such an extent as that the said property may be taxed precisely as is other property of Montana."

The animus of these resolutions was to reach the property of the Northern Pacific railroad. As chartered by the act of congress, the right of way—a strip four hundred feet wide through the public domain—and "all necessary ground for station buildings, workshops, depots, machine shops, switches, side-tracks, turn-tables and water-stations, and the right of way shall be exempt from taxation within the territories of the United States."

Soon after the main line of the road had been constructed through Custer county, the treasurer of that county undertook to collect taxes upon the company's property within the county. The question was submitted to the territorial supreme court, and in January, 1884, a decision was rendered to the effect that none of the property of the railroad company, except such personal property as might come to the knowledge of the tax assessor, was subject to taxation. Hence the resolutions adopted by the Republican convention.

Similar resolutions were adopted by the Democratic territorial convention which met at Deer Lodge, September 25, to nominate a candidate for delegate to congress. Martin Maginnis, who was first elected in 1872, and who had been renominated and re-elected at each succeeding election, retired from the field in 1884, and Joseph K. Toole was nominated. The election occurred November 4. Toole received thirteen thousand five hundred and eighty-four and Knowles, thirteen thousand three hundred and eighty-

five. In the legislature chosen at this election the council stood five Republicans to seven Democrats, and the house fifteen Republicans to nine Democrats.

November 26, the president, by an executive order, established a reservation for the Northern Cheyennes, adjoining the Crow reservation on the east and extending twelve miles east of the Rosebud river. This order caused considerable dissatisfaction, and numerous petitions asking him to revoke the order were sent to the president.

The fourteenth session of the territorial legislature was convened at Helena January 12, 1885. Frank K. Armstrong was elected president of the council, and David Marks, chief clerk; James E. Callaway, former secretary of the territory, was chosen speaker of the house and Harry H. Davis was elected chief clerk. This was preeminently a business session, both in the number and character of the bills passed. Among the ninety bills that became laws, the most important were those regulating the operation and assessment of insurance companies; increasing the tax levy for territorial purposes; protecting the live stock interests of Montana, and especially preventing the spreading of contagious diseases among animals; suppressing prize fighting, hurdy gurdy and dance houses; regulating water rights; incorporating the cities of Billings and Missoula; providing text books for the public schools; organizing a militia; amending the game laws; authorizing Lewis and Clarke county to levy a tax for building a courthouse and Meagher and Jefferson counties to construct jails, and building a wagon road from Thompson's Falls to the summit of the Coeur d'Alene mountains, the road to be finished from there to Murraysville by the Territory of Idaho.

On the last day of the session, March 12, Fergus county was created from parts of Meagher and Choteau counties. The creative act contained a provision that, at the general election in November, 1886, county officers should be elected and the county organized.

A memorial to congress asking for a reduction in the size of the Crow reservation was adopted, and a petition to the president protesting against the establishment of a reservation for the Northern Cheyennes in Montana, and asking him to rescind his order of November 26, 1884 was passed. When one understands the nature of the petty Indian outrages to which the settlers on the borders of the Indian reservations were subjected, he can better appreciate the desire for a reduction of the reservations. Take the following as an illustration: In February, 1885, a party of

Piegans left their reservation and made a raid into the Crow country for the purpose of stealing horses. Fifty-three ponies were taken from Plenty Coues, a Crow chief, and several, from some white men in the neighborhood of Park City. A party of white men and Crows went in pursuit and overhauled the Piegans on the Painted Robe river, forty miles northwest of Billings. In the fight which ensued Chauncey Ames and Joseph Gate were killed, and Phillip Sidle and Lee Owens were wounded. And such instances as this were of frequent occurrence.

Trouble between the Tongue River and Rosebud tribes in South-eastern Montana occurred in July. The former, under the chiefs Black Wolf and White Bull tried to force the Rosebud Indians to live on the Tongue river, and the latter led by Two Moons and Little Wolf positively refused. The Indian agent, Stevens, attempted a reconciliation and was threatened with death by the Tongue River chiefs. Some of the Pine Ridge Indians under Crazy Horse also mutinied against living on their reservation, and the presence of troops was necessary to restore order. While these troubles were at their height, S. T. Hauser was appointed governor, and William B. Webb, secretary.

CHAPTER IV

Events from Hauser to Statehood

SAMUEL THOMAS HAUSER, the seventh territorial governor of Montana, was more closely identified with the interests of the Territory than any other governor who had preceded him. He was born at Falmouth, Pendleton county, Ky., January 10, 1833. His education was acquired principally in the common schools of his native State. At the age of twenty-one he went to Missouri, where he found employment as a civil engineer. He served as assistant engineer in the construction of the Missouri Pacific and Northern Pacific railways, and was chief of the Lexington division of the former road, from Lexington to Sedalia, until 1862. In the spring of that year he ascended the Missouri river to Fort Benton, and crossed the country to the headwaters of the Columbia on a prospecting tour. Returning to the Bannock mines in the fall he spent the winter there, and in 1863 was one of the company, under the leadership of James Stuart, to explore and prospect along the old route of Lewis & Clark down the Yellowstone. While on this expedition the camp was attacked one dark night by Crow Indians, and Mr. Hauser's life was saved by a thick memorandum book in the pocket of his shirt. Being favorably impressed with the mining prospects of Montana, he took up a residence there, and immediately became one of the active men of the new Territory. In 1865, in company with N. P. Langford, he organized the bank of Virginia City. The same year he organized a mining company and erected the first furnaces in Montana. The next year he organized the St. Louis Mining Company (afterward known as the Hope Mining Company), of Phillipsburg. This company built the first silver mill in the Territory. As his business increased he founded

National banks in the cities of Butte, Benton and Missoula, and for several years devoted his entire attention to his banking interests. In 1866 Samuel T. Hauser & Co. opened the First National Bank of Helena, the oldest bank in the city, several of the wealthiest men in the Territory being among the stockholders. Through his influence several branches of the Northern Pacific railroad in Montana were constructed. He has probably done more than any other one man toward developing the mining resources of Montana, one of his latest ventures being the organization of the Helena and Livingston Smelting and Reduction Company. Consequently when he was appointed governor of the Territory by President Cleveland, in 1885, everybody who knew him felt that the selection was a wise one, as subsequent events proved. He served as governor nearly two years, and returned to the management of his large business interests.

During the summer of 1886, the agricultural interests of Montana suffered from a severe drought. In his report to the secretary of the interior, September 27, Governor Hauser referred to the failure of crops owing to the drought; the drying up of natural grasses which affected the grazing industry, and incidentally called the attention of the department to the importance and the necessity of irrigation. Another point urged upon the government in this report was the protection of the timber upon the public domain from the ravages of forest fires started generally by Indians or careless white hunters. For several years these fires had occurred every summer, but in 1886 they were unusually destructive. More timber was destroyed during that summer than would be necessary to supply the legitimate wants of the Territory for many years.

Toward the latter part of August, the Democratic party held a convention at Helena and renominated Joseph K. Toole for delegate to congress. The Republicans met in convention at Butte on the 15th of September and nominated Col. Wilbur F. Sanders for the same office. This convention adopted a platform declaring that the admission of Montana had for partisan reasons been shamefully delayed; favoring the enactment of a law giving miners, mechanics and laborers the first lien upon mines or structures developed or erected by them, and demanding the abolition or diminution of Indian reservations in the Territory, and the cessation of appointment of carpet baggers to office in the territories of the United States. At the election, November 2, Toole received 17,990 votes and Sanders, 14,272. The total vote showed an increase of 5,293 over that cast in 1884.

Several Indian raids occurred during the summer and fall. The tribes north of the Missouri, under pretext of looking for stolen horses, would leave their reservations and make incursions into those of other tribes. On such occasions, if no Indian horses could be found, these predatory bands did not hesitate to appropriate the horses of white settlers. This condition of affairs kept the people along the frontier in a state of uncertainty. When they retired at night, it was with no assurance that their home would not be visited before morning and the faithful horses, upon which so much depended, driven away by some roving band of Indians. Governor Hauser spoke of these raids in his report, and suggested that the government try to get all these tribes into the Indian Territory.

On January 10, 1887, the fifteenth session of the legislature met at Helena, and remained in session sixty days. Richard O. Hickman was elected president of the council and Reuben L. Davis, secretary; Frank K. Armstrong, speaker of the house, and David Marks, chief clerk. On February 23, an act creating and organizing Park county was passed, the first board of county commissioners being composed of George H. Carver, Benjamin F. Meyers and George M. Hatch. While this legislature was in session, Governor Hauser's successor arrived at Helena and assumed the administration of territorial affairs.

Preston Hopkins Leslie was appointed governor of Montana, by President Cleveland, in September, 1886, being the eighth territorial governor. He is a native of Wayne (now Clinton) county, Ky., where he was born on the 2nd of March, 1819. When he was nineteen years of age, he entered the law office of Judge Maxey, and after two years of diligent study was admitted to the bar. For about a year he practiced in his native county, but, in 1841, removed to Monroe county, where he was elected county attorney in 1842. This was the beginning of a long and active political career. In 1844 he was elected to the lower house of the state legislature, and two years later was defeated for the state senate by only one vote. He was again elected to the legislature in 1850, and the next year, to the state senate. For a time after this he eschewed political honors, declining a nomination for congress, and also for judge of the supreme court of Kentucky. In 1859 he removed to Glasgow, Ky., having in the meantime left the Whig party and become a Democrat. Up to the actual beginning of hostilities in the Civil war, he was a strong Union man, but with the opening of the conflict he espoused the Confederate cause and supported it until the close of the war. In 1867 he was

again elected to the state senate, and during the second session of his term was elected speaker. While in this position, a vacancy occurred in the office of both governor and lieutenant-governor. By virtue of his office as presiding officer of the senate, he became governor, and was inaugurated February 13, 1871. In May of the same year he was nominated for governor, and elected over four competitors, one of whom was John M. Harlan, afterward associate justice of the United States supreme court. During his administration of four years the work of ferreting out and suppressing the Kuklux Klan was his most arduous task, but he succeeded in breaking up most of the lawless bands that at that time infested Kentucky. In July, 1881, he was appointed to fill a vacancy in the office of circuit judge, and was elected to succeed himself in the following September. He was defeated for re-election by four votes in 1886, and a few days after the election was appointed governor of Montana. On February 8, 1887, he took the oath of office and served till April 9, 1889. Upon retiring from the gubernatorial chair he settled in Helena and again resumed the practice of law.

Governor Leslie called a special session to meet on the 29th of August, 1887. In his message to this legislature Governor Leslie called attention to the laws passed at the last regular session giving bounties for killing wolves, prairie dogs, ground squirrels, etc. From the time of the taking effect of the act until the first of September, forty-eight thousand dollars was paid out in bounties, forty thousand dollars of which was for ground squirrels. Concerning this the governor said: "Every dollar in the treasury has been paid out, and the Territory is now going in debt every day for killing squirrels, prairie dogs, wolves, etc., and interest is accumulating upon that indebtedness."

This session passed acts repealing these bounty laws; creating the office of attorney general; providing for the observance of Arbor day, and several other measures. September 12, Cascade county was created and Charles Wegner, J. A. Harris and F. A. Wall were appointed county commissioners. This was one of the last acts of the special session, as it adjourned two days later.

During the year 1887 the St. Paul, Minneapolis and Manitoba Railroad Company completed its line to Great Falls. At the same time the Montana Central completed a line from Helena to Great Falls, a distance of ninety-eight miles. This gave Helena another direct railroad communication of 1,150 miles to St. Paul. Altogether 626 miles of railroad were built in the Territory during the year, and more than two million dollars was paid in dividends to

holders of mining stocks. Agriculture and stock raising fared better than the year before, and altogether 1887 was a prosperous year for Montana.

The petitions and memorials to congress and the president concerning Indian reservations bore fruit in an Act of Congress, approved May 1, 1888, establishing agencies and reservations for the tribes north of the Missouri river, and obtaining a cession of about twenty million acres, which was soon afterward opened to settlement. By the provisions of this act an agency was located at Fort Peck, and the reservation belonging to this agency was bounded as follows: Beginning at the mouth of Muddy creek; thence up the Missouri river to the mouth of Milk river; thence up Milk river to the mouth of Porcupine creek; thence up Porcupine creek to a point forty miles from the Missouri river; thence due east to the main fork of Muddy creek and from there down said creek to its mouth, the place of beginning. The boundaries of the Fort Belknap reservation begin in the middle channel of Milk river opposite the mouth of Snake creek; thence south to a point due west of the Little Rocky mountains; thence east to and along the southern crest of these mountains to the eastern extremity; thence in a northerly direction in a direct line to the Milk river opposite the mouth of People's creek, and up the Milk river to the place of beginning.

The Blackfoot reservation was established in the extreme north-western part of the old reservation. It begins at the confluence of Birch creek and the Marias river; thence up the Marias to the mouth of Cut Bank creek; thence up Cut Bank creek twenty miles; thence due north to the boundary line between the United States and the British possessions; thence due west along this boundary line to the summit of the main divide of the Rocky mountains; thence in a southeasterly direction along the crest of the Rocky mountains to a point due west of the headwaters of Birch creek and down said creek to the place of beginning. By this separation of the tribes north of the Missouri, with an agent in charge of each reservation, the raids which had proved such a source of annoyance to the settlers were almost entirely broken up.

On April 19, a mass convention of Prohibitionists met at Helena and organized the Prohibition party of Montana. Delegates to the national Prohibition convention were selected, and Davis Willson was nominated for delegate to congress. Early conventions were held by both the Republicans and Democrats, and delegates were chosen to the national conventions. A second Democratic convention was held at Butte on the 11th of Septem-

ber, at which W. A. Clark was nominated for delegate. They adopted resolutions approving President Cleveland's administration, and particularly his message to congress in 1887; endorsing the St. Louis platform and the Mills tariff bill; declaring in favor of the free coinage of both gold and silver; advocating a still further reduction in the size of Indian reservations, and favoring giving permission to bona fide citizens to cut timber from the public domain. A resolution opposing Chinese immigration was also adopted.

The Republican convention to nominate a candidate for congressional delegate assembled at Helena, September 17. They adopted a platform declaring in favor of a protective tariff; criticising the last congress for its failure to pass a bill admitting Montana into the Union; denouncing the Canadian fishery negotiations as conducted by Cleveland's administration, and opposing Chinese immigration. Thomas H. Carter was nominated for delegate, and in the election he received 22,482 votes to 17,360 for Clark and 148 for Willson. The total vote showed an increase of 7,728 over the vote of two years before. The Republicans also elected a majority in both branches of the legislature, the council standing seven to five and the house nineteen to five.

This legislature, which turned out to be the last territorial legislature of Montana, met at Helena on the 14th of January, 1889. Charles K. Cole was elected president of the council and John R. Eardley, secretary. Lee Mantle was chosen speaker of the house and Benjamin Webster, chief clerk. The fifteenth regular session had left the statute relating to gambling of doubtful interpretation. A former legislature had passed a law licensing gaming houses. An act passed by the regular session of 1887 declared the playing of certain gambling games a felony, but failed to repeal the license law thereon. In his message to the special session, Governor Leslie called the attention of the legislators to this conflict of laws, but nothing had been done to remedy the situation. Among the first acts passed by the sixteenth legislature was one prohibiting some gambling games and another forbidding all forms of lotteries and gift enterprises. A memorial to congress asked that the Fort Ellis military reservation, near Bozeman in Gallatin county, be given to the Territory as a site for a school of mines, agriculture and the mechanical arts. Another memorial praying for admission into the Union was adopted and forwarded to congress only a few days before the passage of the enabling act, February 22, 1889. The session adjourned on the

14th of March, and a few days later President Harrison appointed B. F. White governor of the Territory.

Benjamin Franklin White, the ninth territorial governor of Montana, was born at New Bedford, Mass., December 3, 1838. He attended Pierce Academy at Middleboro, Mass., and at the age of eighteen took up the life of a sailor, which he followed until 1862, making voyages to China and to California by way of Cape Horn. In 1862 he engaged in business in California, and in 1866 went to Idaho. During the years 1868-69 he served as clerk of the United States district court and recorder of Oneida at the same time, and was also vice-president of the First National bank of Caldwell. In 1876 he removed to Montana, and immediately took an active interest in public affairs. He was elected to the territorial legislature; was mayor of Dillon two terms, and was appointed governor by President Harrison in March, 1889, which office he held until Montana was admitted into the Union the following November. Since that time he has given his attention to the banking interests with which he is connected. In 1902, he was elected a member of the house and served as speaker.

In pursuance of the provisions of the enabling act, the constitutional convention assembled at Helena on the 4th of July, 1889. William A. Clark, of Silver Bow county, who had presided over the convention of 1884, was elected president; William H. Todd, chief clerk; Edward Kerr, E. C. Garrett, Lee Swords, John M. Trumbull, and Henry Barnard, clerks; Samuel Alexander, sergeant at arms; Rev. H. E. Clowes, chaplain; E. E. Dickerson, messenger; William Alexander, Cornelius Hedges, Jr., and Maurice Langhorne, pages. The convention was made up of seventy-five delegates, representing the sixteen counties of the Territory, as follows: Beaver Head—Fielding L. Graves, Henry Knippenberg, Aaron C. Whitter. Cascade—Timothy E. Collins, Paris Gibson, Charles M. Webster. Choteau—David G. Browne, Charles E. Conrad, Samuel Mitchell. Custer—Walter A. Burleigh, Charles H. Loud, Charles R. Middleton. Dawson and Yellowstone—O. F. Goddard, Henry J. Haskell, Alfred Myers. Deer Lodge—John R. Toole, Henry R. Whitehill, George B. W. Winston, J. F. Brazleton, David M. Durfee, George J. Reek, Edward Burns, John C. Robinson, Conrad Kohrs. Fergus—Walter Cooper, Charles S. Hartman, Llewellyn A. Luce. Jefferson—Edward Cardwell, Robert E. Hammond, Thomas Joyes, Peter Breen, William M. Bullard, J. E. Gaylord. Lewis & Clarke—Andrew J. Burns, Warren C. Gillette, William Magyer, B. Platt Carpenter, William A. Chessman, William Muth, Lewis H.

Hershfield, Martin Maginnis, Joseph K. Toole, Arthur J. Craven, Milton Cauby, Alexander F. Burns. Madison—Simeon R. Buford, James E. Callaway, Richard O. Hickman. Meagher—J. E. Kanouse, William Parberry, Louis Rotwitt. Missoula—Joseph E. Marion, William J. Kennedy, Luke D. Hatch, William R. Ramsdell, Charles S. Marshall, Walter M. Bickford. Park—George O. Eaton, William T. Field, Allen R. Joy. Silver Bow—Hiram Knowles, John E. Richards, George W. Stapleton, Joseph Hogan, Leopold F. Schmidt, Francis E. Sargeant, Edward D. Aiken, Thomas F. Courtenay, William Dyer, William A. Clark, William W. Dixon, Charles S. Warren.

On the 17th of August the convention finished its labors. Just before the close of the convention, a committee consisting of Joseph K. Toole, B. Platt Carpenter, W. W. Dixon, James E. Callaway, T. E. Collins, Walter M. Bickford, and Charles S. Warren, was appointed to prepare an address to the people. Ten days later neat pamphlet copies of the constitution and the following address prepared by this committee, were ready for distribution.

“To the People of the Territory of Montana:

“The Constitutional Convention, after a continuous session of forty-five days, has completed its labors and submits the accompanying constitution of the state of Montana to the qualified electors for their ratification or rejection.

“We do not claim that it is a perfect instrument. No Constitution ever reflected the concensus of public opinion upon all questions. All Constitutions are compromises. The Constitution of the United States, cherished above all other instruments, was far from perfect when adopted, but time and the light of experience exposed its imperfections, and the fifteen amendments which were subsequently proposed and adopted, demonstrated that the power of government lodged with the people may be safely relied upon to correct inequalities and provide new safeguards when required. So it will be with this Constitution.

“The usual provision for the submission and adoption of amendments is made. On the first day of October next, a general election will be had at which you will be called upon to ratify or reject the work of this Convention. Each elector, voting at said election, shall have written or printed upon the ticket he may deposit in the ballot box the words, ‘For the Constitution,’ or ‘Against the Constitution.’

“The constitution now proposed is similar in all its fundamental provisions to the constitution of 1884, which was ratified by a

large majority, yet we think in this, the judiciary system is better suited to the wants and interests of our people.

"We submit it in convenient form for your careful consideration and commend it as worthy of your unanimous approval. The adoption of the constitution will secure our admission upon an equal footing with the original states; it will give us adequate courts for the administration of justice; it will permit us to tax large quantities of land now exempt from taxation; it will give us the immediate benefit of school and other lands donated by the United States; it will relieve us of that unjust inhibition by which we are prohibited from selling our mines in foreign markets; it will give us a representative in Congress and two United States senators to represent us in Washington; it will give us the right of suffrage in national elections; it will give us a stable government; it will invite capital and emigration; in short, it will break the shackles of territorial bondage and elevate us to the full dignity of American citizenship.

"Our population represents individuals who have enjoyed constitutional government in different states of the Union, and those whose lives and aspirations have been circumscribed within the narrow limits of territorial vassalage. To neither of these is it necessary to address an argument in favor of our speedy admission into the Union. Let every citizen who deserves well of his state, of his county, and of mankind, promote in every honorable way the ratification of this constitution.

"We point with pride to the fact that no shadow of repudiation found its way into our constitution. That important point is well and safely guarded. Experience has taught the people of the United States that capital and immigration seek a stable and safe government. If Montana were a State today, the capital that would seek investment, and the immigration who would seek homes in this our favored land of Montana, would be increased in an immense ratio.

"We, who are here to participate in laying deep and broad the foundation of this great commonwealth, will pass away, but our votes and efforts will live with the years to come—when all the problems of our day shall be solved only to give place, perhaps, to others of deeper and graver import; we confidently hope and expect that the Constitution will receive a hearty approval, and respectfully submit it to the consideration of an intelligent and patriotic people.

(Signed by the Committee on Address.)

"Helena, M. T., Aug. 26, 1889."

The hopes and expectations of the committee were realized, for the constitution was ratified at the election on the 1st of October by a vote of 24,676 to 2,274.

On August 22, a Republican convention met at Anaconda to nominate a state ticket to be voted for at the same time the vote was taken on the ratification of the constitution. The ticket nominated was as follows: For governor, Thomas C. Power; lieutenant-governor, John E. Rickards; secretary of state, Louis Rotwitt; auditor, E. A. Kenney; treasurer, Richard O. Hickman; attorney general, Henri J. Haskell; superintendent of public instruction, John Gannon; chief justice, Henry N. Blake; associate justices, William H. DeWitt and E. N. Harwood; clerk of the supreme court, W. J. Kennedy; representative in congress, Thomas H. Carter.

The platform pledged the representatives of Montana in congress to maintain as standards of value the precious metals that have been recognized as such from the beginning of historic time; favored a protective tariff, especially on wool, lead and copper; advocated a reduction in the size of Indian reservations, and the taxation of property upon such reservations.

On the 27th of August the Democratic convention was held at Anaconda, and the following ticket was nominated: For governor, Joseph K. Toole; lieutenant-governor, J. H. Conrad; secretary of state, Joseph A. Browne; auditor, T. D. Fitzgerald; treasurer, Jerry Collins; attorney general, W. Y. Pemberton; superintendent of public instruction, J. R. Russell; chief justice, Stephen DeWolfe; associate justices, Francis J. Armstrong and Walter M. Bickford; clerk of the supreme court, G. F. Cope; representative in congress, Martin Maginnis.

The platform adopted by the Democratic convention pledged the representatives in congress to favor a policy that would secure the highest value to the products of the flocks, herds, farms, forests and mines, and thus promote the material prosperity of Montana.

All the Republican candidates were elected except governor, Toole receiving 19,564 votes and Power 18,988. On the rest of the ticket these figures were almost exactly reversed, the vote for lieutenant-governor being 19,764 for Rickards and 18,198 for Conrad. As soon as returns from the several counties could be obtained, the territorial canvassing board, composed of Governor White, Secretary Walker and Chief Justice Blake, met at Helena and prepared an abstract of the votes cast for state officers and for

the constitution. Their work was finished on the 4th of November, and copies of the abstract and the constitution were at once forwarded to President Harrison for his official sanction.

In the constitution as adopted by the convention and ratified by the people, it is declared in the bill of rights, that all political power is vested in and derived from the people; the people of the State have the sole and exclusive right to govern themselves, and to alter or abolish their constitution, etc., provided all such acts must not be repugnant to the constitution of the United States. Religious liberty is guaranteed, but bigamy or polygamy cannot be practiced in the name of religion; all elections and courts of justice shall be free and open; treason is defined as open war against the State, or giving aid and comfort to its enemies; the right of free speech is assured, but provisions are made for any abuse of the right; there is no imprisonment for debt except in cases of fraud; right of trial by jury is secured to all, and the right of aliens to hold property in the State is acknowledged. The customary three departments of government, the legislative, executive and judicial, are provided for. As established by the constitution, the legislature, until changed by law, was made up of sixteen senators, one from each county, and fifty-five representatives. Senators are to be elected for four years and representatives for two years. After the first legislature one-half of the senators are to be elected every second year. Regular sessions are to be held biennially, beginning on the first Monday of January.

The governor and the administrative officers of the State constitute the executive department. These officers are all elected for four years, their terms beginning on the first Monday of January succeeding their election, the terms of those elected in 1889 expiring in January, 1893. Salaries of these officers were fixed by the constitution, subject to change by the legislature as follows: Governor, five thousand dollars per annum; secretary, auditor, treasurer and attorney general each three thousand dollars per annum; superintendent of public instruction, two thousand five hundred dollars per annum. The salary of the lieutenant-governor was fixed at a per diem, the same as that received by the speaker of the house, to be allowed only during sessions of the legislature.

Judicial power is vested in a supreme court, district courts, justices of the peace, and such minor courts as may be established by law. The supreme court consists of three justices elected for

six years. In order that one of these justices may be elected every two years it was provided that the terms of those elected in 1889 should expire in 1892, 1894 and 1896, respectively.

All male persons over the age of twenty-one years, citizens of the United States, who shall have resided in Montana one year, and in the county, town or precinct such time as the legislature may prescribe, shall be qualified to vote. A permanent school fund, to be derived from the sale or rentals of school lands, is established. This fund may be invested in public securities, and cannot legally be diminished. All property, except public buildings belonging to cities, counties, the State or the United States, and property used for agricultural or horticultural societies, educational purposes, religious worship, hospitals and free burial grounds, shall be subject to taxation at a just valuation and uniform rate of assessment. The limit of public indebtedness is fixed at one hundred thousand dollars for the State; five per cent of the value of taxable property in counties, and three per cent of the value of such property in town, cities or school districts.

Special legislation granting charters to corporations is prohibited, and the legislature is given power to alter, amend or revoke the charter of any corporation whenever it is for the public good. Corporations engaged in transportation shall not consolidate with parallel lines, and all corporations shall file in the secretary of state's office an acceptance of this constitution, to be entitled to the benefits of any future legislation. Rates for transportation of freight, or passengers must be uniform and impartial, and all certificates of stock issued by corporations, except for money or property, labor performed or services rendered, shall be void. Foreign corporations must maintain resident agents upon whom process may be served, and the formation of trusts is strictly forbidden. Two-thirds of the members of each branch of the legislative assembly may propose an amendment to the constitution, but the same shall be submitted to the voters at the next general election for approval or rejection.

CHAPTER V

The State of Montana

AT SEVEN minutes past eleven o'clock, on the morning of November 8, 1889, the operator in the office of the Western Union Telegraph Company at Helena, took from the wires this message:

"Executive Mansion, Washington, D. C., 11-8-1889. Hon. Joseph K. Toole, Governor of the State of Montana, Helena, Montana. The President signed and issued the proclamation declaring Montana a state in the Union at ten o'clock and forty minutes this morning. James G. Blaine."

No time was lost in conveying the glad tidings to the governor, and in a little while the intelligence spread to all the centers of population in the State. There was something invigorating in the way men grasped each other by the hand upon receipt of the news, and rejoiced together in their new born citizenship. More than twenty-five years had passed since congress granted a territorial form of government to a few thousand hardy miners in the gulches of the Rocky mountains, living in log cabins or "waki-ups," and nearly five hundred miles from the nearest court house, church, school house or printing press. But during that twenty-five years, a wonderful transformation had taken place. When the Territory was first established, the Salt Lake trail and the Mullan road were the only highways. At the time of its admission into the Union, Montana had 1,785 miles of railroad in operation, and 1,150 more under construction or in prospect. The stage coach had given way to the Pullman car, and the log cabin had been supplanted by the modern residence. In the last year of its territorial existence, Montana exported products valued at forty-five million seven hundred and fifty thousand dollars, of

which twenty-four million dollars was gold and silver. From a few hundred miners in 1864, the population had grown to one hundred thirty thousand in 1889. The lawlessness and rowdyism of the early days were gone; the recollection of the vigilance committee was like the memory of some unpleasant dream, for no state brought into the Union, when first admitted, a larger percentage of law abiding, order-loving citizens than Montana.

Montana came into the sisterhood of American states without a dollar of bonded indebtedness and with a cash balance in the treasury. Congress made liberal appropriations from the public domain for the establishment and maintenance of educational, penal and charitable institutions, and public buildings. Sections 16 and 36 in each township were donated to the common school fund; 72 sections for a state university; 100,000 acres for a school of mines and the same for normal schools; 140,000 for an agricultural college; 50,000 for an asylum for deaf and dumb; 50,000 for a reform school and 182,000 for public buildings. Thus she started upon her statelhood well endowed, and well has she used the endowment.

As soon as he was inaugurated Governor Toole issued a proclamation calling the legislature to meet on the 23d of November, to complete the state government by the election of United States senators.

Joseph Kemp Toole, the first and also the fourth governor of Montana after its admission as a state, was born at Savannah, Mo., May 12, 1851. He was educated in the public schools of St. Joseph, Mo., and the military institute of New Castle, Ky. Leaving school in 1869, he went directly to Helena, Mont., where he was admitted to the bar the following year, and practiced law for several years in partnership with his brother Warren. The first office he ever held was that of district attorney for Lewis and Clarke county, to which he was elected in 1872, and two years later was re-elected without opposition. In 1879 he was elected president of the council in the territorial legislature, and in 1884 was a delegate to the first constitutional convention. He was elected delegate in congress in 1884 and re-elected in 1886. While he was in congress, he persistently advocated the admission of Montana as a state. During his last term the enabling act was passed. He was a delegate to the constitutional convention of 1889, and took an active part in the proceedings. After the convention had finished its deliberations, he was nominated for governor by the Democrats and elected. The second session of the

state legislature, during his first term as governor, passed a corporation act prescribing the term of its existence, which he vetoed. This aroused considerable political opposition, but did not affect his popularity and in the election of 1900 he received a plurality over both his opponents, and the highest vote cast for any candidate on the state ticket. He was inaugurated in January, 1901. Governor Toole has also served as a member of the board of trustees of several public and charitable institutions. His wife is a daughter of the late Gen. W. S. Rosecrans.

When the territorial canvassing board met, on the thirty-first of October, they found no returns from Silver Bow county. A messenger was dispatched to learn the result of the election. From the county clerk this messenger learned that when the county board met, October 14, to canvass the votes, the returns from precinct thirty-four—known as the “tunnel” precinct—had been thrown out because of irregularities. According to the report of the local board, 174 votes were cast for representatives to the state legislature, 171 of which were for the Democratic candidates. The county board of canvassers found the returns from this precinct unsigned by the judges and clerks of election as required by law, the names of the voters were recorded as voting in alphabetical order, and an investigation developed the fact that two judges had counted the votes secretly (though the law provided that the count should be public), the clerks not being present at the time. The third judge was also absent during the count, though he afterward signed the returns. Affidavits were obtained from twenty voters in the precinct that they had voted for the Republican candidates, though only three votes had been counted for them. A majority of the county canvassing board were Republicans, the precinct was thrown out, and there were elected six Republican and four Democratic members of the house, from Silver Bow county. One of the six Republicans was elected regardless of the returns from said precinct.

The territorial canvassing board, consisting of the governor, secretary and chief justice, also all Republicans, followed ministerially the county board and canvassed the votes of Silver Bow county without including the returns from precinct thirty-four. As soon as the result was announced, a writ of mandamus was sworn out in the district court of Silver Bow county to compel the board of canvassers of said county to include precinct thirty-four, on the grounds that the territorial law, under which the count was made, provided that “The board shall proceed to open the return and make abstracts of the vote,” and that this gave the

county board no power to go behind the returns. The case came up before Judge DeWolfe, a Democrat, November 7, who ordered the mandamus enforced. By this decision the votes were counted and certificates of election were issued by the clerk of Silver Bow county to the Democratic legislative candidates, the Republican candidates having obtained certificates of election from the state canvassing board. The election of United States senators depended upon the way in which this contest was settled. If the votes of precinct thirty-four were counted, the house would stand 29 Democrats to 25 Republicans; if this precinct were rejected the Republicans would have 30 members of the house and the Democrats 24. The state senate was a tie, each party having eight members with a Republican lieutenant-governor as presiding officer.

This was the situation when the legislature was convened on the twenty-third of November. Governor Toole had made arrangements with the commissioners of Lewis and Clarke county for the two branches of the legislature to occupy rooms in the county court-house, and on November 22, issued a proclamation designating the rooms in which each body would meet. The next morning the governor addressed the following communication to Captain Smith:—

“Captain John Smith, in charge of the House of Representatives:

“Sir:—At twelve o'clock noon to-day you will open the doors of the house of representatives and admit no person to the floor except persons claiming to be members of that body. When notified by any member whom you have admitted that the house of representatives has temporarily organized, you will turn over your keys to such person as the house may designate. If the auditor of state appears at the door before you are relieved by the person designated by the house of representatives you will admit him to the floor of the house. When you are relieved by such person, your employment ceases.

J. K. TOOLE, Governor.”

In this letter and proclamation the Republican leaders saw something inimical to the party welfare, and state auditor, E. A. Kenney called the Republican members of the house to meet at Iron Hall, on Main street, where an organization was effected. At the same time the Democratic members, including five from Silver Bow county whose seats were in question, met at the room designated by the governor and organized a second house.

Regarding his proclamation and his letter to Captain Smith, Governor Toole said some days later in his message: "It is to be regretted that the body wrongfully assuming to be the house of representatives, and who met in the place designated by the auditor, misinterpreted the proclamations to Captain Smith, as claimed by the report adopted and promulgated by its committee."

There can be little doubt that, up to the time of the organization of the dual house of representatives, the politicians of both parties had been zealous to secure partisan advantages. The trouble began when the local election officers of precinct thirty-four permitted the voting and the counting to be made in violation of the law. But having been permitted, and the returns not having been properly certified, the county canvassing board was prompt to take advantage of the error. Under the law they felt they had a right to reject the vote of the "tunnel" precinct, a view in which the territorial canvassing board afterward coincided. From their point of view to have admitted the returns of precinct thirty-four would have made them accessory to an outrage upon the ballot. Such were the premises upon which the Republicans vested their case. On the other hand the Democrats based their claims largely upon the decision of Judge DeWolfe in the mandamus proceedings. After that decision ordering the votes of precinct thirty-four to be counted, the five Democratic members received certificates of election from the county clerk of Silver Bow county. They maintained that there was nothing wrong, *per se*, in the action of Governor Toole in providing beforehand a place for each branch of the legislature to meet; that the senate did not question his right to do so, but met in the place designated by him. According to the law of Montana the state auditor must preside over the house of representatives until an organization is reached. The Democrats called attention to the governor's instructions to Captain Smith, in which the order to admit the auditor was explicit. They insisted that the action of Auditor Kenney in calling the Republican members to another hall and organizing a separate house was revolutionary.

Thus the breach was widened, and the conditions became more aggravated. The Democratic members of the senate refused to meet with the Republican senators until such time as the house of representatives should be properly organized. From day to day the Republican senators met, listened to roll call, and finding no quorum present adjourned. This went on for eighteen days. On the nineteenth day of the session, roll call was dispensed with, and the Republican senators passed a resolution offered by Senator

Hedges, to the effect that C. J. McNamara, C. W. Hoffman, W. M. Thornton, R. G. Reed, William Parberry, W. S. Becker, J. A. Baker and D. J. Hennessey (the Democratic senators), "are absent, though at all times in the vicinity and able to be present . . . now, therefore, be it ordered, in the manner prescribed in the following order that we will proceed to compel the attendance of the aforesaid absent members." The order referred to in the resolution was a prolix document, based upon section 1333 of the fifth division of Montana Statutes, which conferred upon either house of the legislature the power to authorize any person, when there was no sergeant at arms, to compel the attendance of absent members. A temporary sergeant at arms was elected, and warrants were placed in his hands for service upon the absentees. In the afternoon the senate—that is the eight Republican members—met again to hear the report of the sergeant at arms. He reported service upon Senators Hoffman, Parberry, Reed, Becker and Baker, but that all of them refused to obey the summons. The next day the warrant was served on Senator Thornton, but he, like the others, treated it with contempt, and this ended the efforts to compel attendance by means of the Hedges resolution.

After a consultation among themselves, the Democratic senators appeared on the twenty-fourth day of the session, and were sworn in by Chief Justice Henry N. Blake. But the troubles were not yet ended. Although present the Democratic members were still recalcitrant, steadfastly refusing to answer to their names when the roll was called, thus making the record show no quorum present and delaying the organization of the senate. At this juncture Lieutenant-Governor Rickards rendered his ruling that members present and not voting could be counted to form a quorum.

When this ruling was made, the Democratic senators again resorted to the policy of absenting themselves. They met with the Democratic house of representatives on the 19th of December and listened to Governor Toole's message, and after that held themselves aloof altogether until the Republican senators and representatives met on the 30th of December to elect United States senators. Col. W. E. Sanders was unanimously elected, and on New Year's day a ballot was taken for the second senator. On that ballot Lee Mantle received eleven votes; B. Platt Carpenter one; Thomas C. Power, three; L. H. Hershfield, four; John E. Rickards, eleven; E. D. Leavitt, eight. On the following day another ballot was taken which resulted in the election of

Thomas C. Power, who received thirty-five votes to three for Lee Mantle.

Meantime the Democratic leaders had been in communication with prominent members of their party in the United States senate, as to what course to pursue. Under date of December 26, a letter was received by ex-Governor Hauser from Senator Vest, of Missouri, the following extracts from which show the policy of that party.

"All of us—and I have consulted the leading Democrats here—are of the opinion that the Democratic members of the legislature must elect two senators on the same day the Republicans elect. . . . The two Republican senators will come here with a certified copy of proceedings, and the Democrats with Governor Toole's certificate which makes a *prima facie* case for us. Then the fight will begin here. Of course the Republican senate will not admit our people, but we will make it so hot for them that they will not admit the others. . . . The United States Senate requires that the governor shall sign the certificate of a senator, and we will have the best of them on that point."

At the request of Governor Toole and Senator Baker, Mr. Hauser wrote to Senator Vest, asking for instructions on certain points, and on the 5th of January received a telegram which read: "If eight Democratic senators will act together, proceed as I wrote you and let senators elected come here with governor's certificate. This is vital. The certificate is absolutely necessary. G. G. Vest." Thus advised the Democratic senators met with the Democratic house, January 7, and elected William A. Clark and Martin Maginnis United States senators, each receiving 38 votes.

On February 6, another attempt was made by the eight Republican senators to compel the attendance of the Democratic absentees. Senator Olds introduced a resolution that "any member of the senate absent on and after February 6, be fined for the first day \$50; for the second day \$100; for the third day \$200; for the fourth day \$400; for the fifth day \$800; for the sixth day \$1,000; to be confirmed each day by resolution passed and placed upon the record." This was supplemented by a resolution offered by Senator Hedges, providing that the president of the senate issue duplicate warrants for the arrest of any or all absentees, to the sheriffs in the several counties, requiring attendance on or before ten o'clock on the morning of February 8. When the news of this action became known, there was a general hegira of Demo-

cratic senators. Five left that afternoon and night for Spokane, two went to St. Paul and subsequently to Canada, and only one was caught in the drag-net of the duplicate warrants. Senator Becker was slow in getting started and was arrested, February 7, at Glendive, by the sheriff of Dawson county. The sheriff started for Helena with his prisoner, but at Miles City, Becker was released on a writ of habeas corpus. He was immediately rearrested by the deputy sheriff of Custer county and special sergeant at arms, W. F. Parker, who took the first train for Helena. At Bozeman Parker was arrested on the charge of kidnapping Becker and taken from the train. A speedy trial was secured and Parker was acquitted. A special train was sent to Bozeman to convey Parker and his prisoner to the capital, and at 9:30 p. m. February 8, the sixty-eighth day of the session, they reached the senate chamber. Senator Becker was at once purged of contempt, a quorum was found to be present, the joint rules were adopted, and several appropriation bills were passed that night. Shortly after midnight, it being Saturday night, a motion was made to adjourn until ten o'clock Monday morning. Before the motion was put, a pledge was exacted from Senator Becker that he would be present on Monday morning. Notwithstanding this pledge he was driven at a late hour the next night, to the Northern Pacific depot, where a special engine was in waiting, and by sunrise on Monday morning he was over the divide in Idaho. This put an effective stop to legislation for that session, and on the twentieth of February the legislature adjourned by constitutional limitation.

The contest for United States senators was transferred to Washington. On March 24, 1890, the committee on elections in the United States senate made their final report, a document of 172 pages, recommending that the republican claimants be seated. The report of the committee was adopted and Wilbur E. Sanders and Thomas C. Power were sworn in April 16, as the first United States senators from Montana.

Wilbur E. Sanders was born at Leon, Cattaraugus county, N. Y., May 2, 1834. After obtaining a high school education, he taught for awhile in the public schools. In 1854 he removed to Ohio, studied law at Akron, and was admitted to the bar in 1856. In October, 1861, he was commissioned a first lieutenant in the Sixty-fourth Ohio, and later served as assistant adjutant general on the staff of General Forsyth. He assisted in the construction of defenses along the lines of railroad south of Nashville in 1862, and soon afterward resigned on account of ill health. He went to Montana, which was then a part of Idaho, where he engaged in

the practice of law. He regained his health and has taken an active interest in public affairs. Several times he was nominated for delegate to congress; was a delegate to the Republican national conventions in 1868, 1872, 1876, and 1884; a member of every territorial legislature from 1872 to 1880; was appointed United States district attorney by President Grant, but declined, and was elected to the United States senate by the first state legislature, January 1, 1880, for the term ending March 4, 1893. In addition to his law practice, he is also interested in mining.

Thomas C. Power was born on a farm not far from Dubuque, Ia., May 22, 1839. He took a course in civil engineering at Sinsiniwa college, Wisconsin, and for three years afterward followed his profession in the summer time and taught school during the winter months. In 1860 he joined a surveying party to Dakota, and for the next seven years was engaged in mercantile business on the Missouri river. In 1867 he settled at Fort Benton, where he became president of a company operating a line of steamers. He located at Helena in 1878 and engaged in mining operations and cattle raising. He was a member of the second constitutional convention; a delegate to the Republican national convention of 1888; was nominated by his party for governor in 1889 but was defeated by Joseph K. Toole, and on January 2, was elected to the United States senate, for the term ending March 4, 1895.

One member of the lower branch of the legislature was elected in 1890 to fill a vacancy and the old assembly held over till the general election in 1892. The only offices to be filled by election in 1890 were one-half the state senators, and a representative in congress.

On September 11, a Republican convention was held at Butte, and Thomas H. Carter was nominated. The platform adopted, declared in opposition to the granting of patents to the Northern Pacific railway on mineral land within the State of Montana; demanded that school lands be sold only to actual settlers; favored legislation to protect the lives of miners, and the appointment of a mine inspector; felicitated the Republican party as the guardian of political purity in the passage of the Australian ballot law; denounced Governor Toole as tyrannical and revolutionary in the usurpation of power connected with the legislative deadlock during the previous winter; applauded the Republican members of that legislature and condemned the Democrats.

In opposition to Carter the Democrats nominated W. W. Dixon, at Helena, on the 15th of September. The platform endorsed the

official acts of Governor Toole and the Democratic members of the legislature, and denounced the Republicans for throwing out the returns from the "tunnel" precinct. William T. Field was nominated as the Labor candidate for congress and Andre L. Corbley by the Prohibitionists.

While the bill known as the Sherman silver law was pending in congress, Representative Carter was so unfortunate as to incur the displeasure of some of his constituents because of his attitude toward the measure. Much of this displeasure was within his own party and it contributed largely to his defeat. In the election Dixon received fifteen thousand four hundred and eleven votes, Carter fifteen thousand one hundred and twenty-eight, Corbley three hundred and eighty-nine, and Field one hundred and sixty-two. Of the eight state senators elected, five were Democrats and three Republicans. This gave the Democrats a majority of four in the senate at the second session of the state legislature, which was convened January, 1891. One representative was elected from the district of Beaver Head and Deer Lodge counties, where a tie vote had occurred in 1889. A Democrat was elected from this district, which success gave that party twenty-five undisputed seats in the house.

When the legislature met, the old contest over precinct thirty-four came up again, and threatened to make trouble. But the conditions had changed. The senate now being Democratic united with Governor Toole in recognition of the Democratic house of representatives. One cloud, however, still hung above the Democratic horizon. The Republican United States senators had been seated, and the supreme court had acknowledged the validity of the other house, which left the Democratic body without legal standing. Under these circumstances, the members of the two houses agreed upon a compromise. Senator Thornton, Democrat, and Senator Goddard, Republican, two men well endowed with common sense, were selected as arbiters to arrange the terms upon which the two houses should get together. They reported in favor of seating three Republicans, and two Democrats of the five disputed places, and allowing the latter to elect the officers of the house. The report was accepted; William Thompson, J. H. Monteith and W. H. Roberts, three Republicans, and A. M. Day and A. M. Dusseault, two Democrats, were given seats, and on the twenty-eighth of January the house was regularly organized and ready for business. The deadlock was broken.

In his message to the legislature, Governor Toole called attention to the act of congress of August 30, 1890, giving to each

state and territory fifteen thousand dollars a year, with an increase of one thousand dollars each year for ten years, and after that twenty-five thousand dollars a year as an aid and incentive to technical education. He recommended the establishment of an agricultural college, that the State of Montana might become a beneficiary under the provisions of that act. Some of the sections set apart by congress, for the benefit of the public schools, lay in rich mining districts or near cities and were especially valuable. In many instances of this kind, the lands had been jumped and the State defrauded. To correct these abuses the governor recommended a board of land commissioners to regulate the sale of school and public lands, and in accordance with his recommendation an act creating such a board was passed toward the close of the session.

Owing to the failure of the first state legislature to enact any laws, much remained for the second to do. More than twenty acts relating to the collection and disbursement of revenues were passed, and many appropriations to pay bills that should have been provided for by the preceding legislature were made. The act in which the greatest general interest was taken was that providing for the location of a state capital by popular vote at the general election in 1892. Twenty-five electors could petition for the name of any town or city in the State to be placed on the ballot to be voted for, and a majority of all the votes cast was made necessary to a choice. If no city received a majority then the contest was to be continued until the election of 1894, when it was to be decided between the two towns or cities receiving the highest vote in 1892. As soon as the legislature adjourned, almost every ambitious city in the State began a campaign, urging its advantages as a location for the capital, which was kept up until the election the next year.

By an act of congress, March 3, a large part of the Crow reservation was restored to the public domain. The boundaries of this cession begin at the intersection of the Yellowstone river and the one hundred and tenth meridian; thence south, and east, along the boundary line of the cession of June 12, 1880, to the southern boundary of Montana; thence east along said southern boundary to the Big Horn river; thence down the Big Horn river to a line fifteen miles north of the line between Montana and Wyoming; thence west on this fifteen mile line to the divide between Clarke's Fork and Pryor's Creek; thence in a northeasterly direction along this divide to the Yellowstone river, and up the Yellowstone to the place of beginning.

On January 7, 1892, a state irrigation convention, called by the

governor, met at Helena. Reports from the various counties showed that one thousand three hundred and ninety main irrigating ditches, with nine thousand eight hundred and fifteen lateral ditches, were in operation. The total length of the main ditches was three thousand two hundred and forty-five miles, the longest single ditch being the Sun river canal in Cascade county, sixty-five miles long. Altogether nine hundred and seventy-six thousand acres were embraced in the different districts irrigated, two hundred and forty-two thousand of which were under cultivation. This convention adopted a resolution asking congress to donate, or set apart, a portion of the proceeds derived from the sale of public lands for the construction of irrigating canals and reservoirs. Two years later congress passed the Carey act along this line. Conventions to select delegates to their national conventions were held in May and June by all the political parties. On June 15, the People's party, in its convention at Butte, also nominated William Kennedy for governor; Harvey H. Cullum for lieutenant-governor; Joseph W. Allen for secretary of state; James D. McKay for auditor; J. R. Latimer for treasurer; Miss Ella L. Knowles for attorney general; Abram Hall for superintendent of public instruction; William Y. Pemberton for chief justice of the supreme court; Campton H. Coats for clerk of the supreme court, and Caldwell Edwards for representative in congress. The convention also nominated presidential electors, and adopted a platform declaring in favor of the free coinage of silver; an eight hour law; the election of president and United States senators by a direct vote of the people; the restriction of immigration; the forfeiture of the Northern Pacific land grant in Montana, and the maintenance, by the national government, of reservoirs for the irrigation of arid land.

On September 6, the Republicans met in convention at Great Falls, and nominated the following state ticket: Governor, John E. Rickards; lieutenant governor, Alexander C. Botkin; secretary, Louis Rotwitt; auditor, Andrew B. Cook; treasurer, Frederick W. Wright; attorney general, Henri J. Haskell; superintendent of public instruction, Eugene A. Steere; chief justice of the supreme court, Henry N. Blake; clerk of the supreme court, Benjamin Webster, and Charles S. Hartman for representative in congress. The platform endorsed the protective policy of the party, particularly the duties on wool and on lead ores when found in combination with silver; demanded the full "recognition of silver as a money metal by the opening of the mints of the United States to its free and unlimited coinage; advocated the use of both

gold and silver at their present ratio as legal tenders;" recognized the right of labor to organize for its own benefit and protection; denounced the employment of private and irresponsible bodies of armed men; pledged the party to carry out by suitable legislation the provisions of the state constitution on this subject, and recommended the passage of a law by congress making post offices savings banks of deposit and exchange.

On the 13th of September a state ticket was nominated at Great Falls by a convention of Democrats assembled for that purpose. Timothy E. Collins was named for governor; Henry R. Melton, lieutenant-governor; Benjamin W. S. Folk, secretary of state; William C. Whaley, auditor; Jesse Haston, treasurer; Edward C. Day, attorney general; John C. Mahoney, superintendent of public instruction; William Y. Pemberton, chief justice of the supreme court; John L. Sloane, clerk of the supreme court; William W. Dixon, representative in congress. The platform denounced the McKinley tariff law; recommended a change in the boundaries of the Yellowstone national park; declared the paramount issue to be the reinstatement of silver as a money metal, and instructed the representatives and senators in congress to work for the passage of a free coinage measure.

J. M. Waters was nominated by the Prohibitionists for governor; J. C. Temple for lieutenant-governor, and Benjamin R. Atkins for congress. At the election in November 44,315 votes were cast for president. Harrison received eighteen thousand eight hundred and fifty-one; Cleveland, seventeen thousand five hundred and eighty-one; Weaver, seven thousand three hundred and thirty-four; Bidwell, five hundred and forty-nine. The entire Republican state ticket, except Judge Henry N. Blake for chief justice of the supreme court, was elected. His defeat was due to the fact that the Democrats and Populists united upon Judge Pemberton. For Governor Rickards received eighteen thousand one hundred and eighty-seven votes; Collins, seventeen thousand six hundred and fifty; Kennedy, seven thousand seven hundred and ninety-four; Waters, five hundred and forty-three; Hartman was elected over Dixon for congress by a small plurality.

A great deal of interest was taken in the capital contest, more votes being cast on this issue than for president of the United States. Helena led with fourteen thousand and ten votes; then Anaconda with ten thousand one hundred and eighty-three; Butte, seven thousand seven hundred and fifty-two; Bozeman, seven thousand six hundred and eighty-five; Great Falls, five thousand and forty-five; Deer Lodge, nine hundred and eighty-three;

Boulder, two hundred and ninety-five. As none of the cities voted for received a majority of all votes, the contest was continued until 1894 when the final choice was to be made between Helena and Anaconda.

One-half the state senators and all the members of the house were elected this year. The senate as elected stood nine Democrats and seven Republicans, and the house twenty-six Democrats, twenty-five Republicans, and three Populists and one contested seat from Choteau county.

On July 12, the second session of the National Mining Congress was convened at Helena, nearly every state west of the Mississippi being represented. During the sessions of the Federal congress the following resolutions were adopted:

"The National Mining Congress, now in session at Helena, Montana, composed of delegates from nineteen states and two territories, having in mind the interests of the cotton planters of the South and the grain growers of the West, of labor and property in all their forms, as well as the interests of the miners in the mountain states and territories, denounce the act of 1873 by which silver was demonetized as a great national calamity, and we hold it to be the imperative duty of the representatives of the people, now in Congress assembled, to pass without delay the bill for the remonetization of silver that has already passed the senate.

"We denounce as maliciously and designedly false the charge that the silver men of the country are in favor of a seventy-cent dollar, or of any dollar that is of less intrinsic value than any other dollar coined and circulated in the United States. We also declare that the responsibility for the bullion in the silver dollar now coined being of less intrinsic value than the bullion in gold dollars rests solely with those who demonetized silver and forced the people to accept the laws of 1878 and 1890, by which the free coinage of silver has been denied and the purchase of bullion by the government in the lowest markets of the world substituted in its stead."

An appropriation of fifty thousand dollars for a state exhibit at the World's Columbian Exposition at Chicago was made by the legislature of 1891, and in 1892 the president appointed Dr. A. H. Mitchell of Deer Lodge and L. H. Hershfield of Helena to represent Montana on the board of managers. Mrs. Mary S. Harrison was appointed as lady manager at large; Mrs. Lily Rosecrans Toole and Mrs. Henry Knippenberg lady managers, with Mrs. Marion D. Cooper and Mrs. F. I. Worden as alternates. The complete state organization of World's Fair managers was as follows: Stephen D. Wolfe of Silver Bow county, president;

Allen R. Joy of Park, vice-president; James G. Ramsey of Dawson, secretary; David G. Browne of Choteau, treasurer; Philip Lovell of Beaver Head, H. O. Chowen of Cascade, C. R. Middleton of Custer, George W. Morse of Deer Lodge, A. J. Stevens of Fergus, W. M. Nevitt of Gallatin, Thomas Joyes of Jefferson, A. J. Davidson of Lewis and Clarke, Dr. D. A. Pease of Madison, W. H. Sutherlin of Meagher, Walter M. Bickford of Missoula and George M. Hays of Yellowstone.

When the third session of the legislature met, January 2, 1893, some trouble arose in organizing the house. The contest in Choteau county had been settled by the courts in favor of the Republican candidate, E. E. Leach, which gave that party and the Democrats each twenty-six members, leaving a balance of power in the hands of the three Populists. After some delay a temporary organization was accomplished by the election of Thomas Matthews, one of the Populist members, as speaker pro tempore. The next day the Democrats combined with the Populists and elected Matthews permanent speaker and H. J. Mieli chief clerk. By virtue of his office Lieutenant-Governor Botkin was presiding officer of the senate and David Marks was elected secretary. On the fifth Governor Rickards submitted his first message to the legislature.

CHAPTER VI

Montana, from 1893 to 1903

JOHN EZRA RICKARDS, second governor of the State of Montana, was born at Delaware City, Del., July 23, 1848.

His education was received in the public schools and the Middleton Academy. In 1870 he went to Colorado, and eight years later, to San Francisco. He remained in San Francisco till 1882, when he removed to Butte City, Mont. In 1885 he was elected a member of the board of aldermen, and in 1887 was a member of the territorial legislature from Silver Bow county. He was one of the twelve delegates from Silver Bow county in the constitutional convention of 1889, and the same year he was nominated for lieutenant governor on the Republican ticket and was elected, receiving the largest vote of any candidate on the ticket. Trouble in the senate over election returns threatened the disorganization of the legislature. In spite of all opposition he ruled that members present and not voting could not be counted as absentees. A few weeks later Speaker Reed made a similar ruling in the national house of representatives. In 1892 Mr. Rickards was nominated and elected governor, and in 1900 he was supervisor of the twelfth census for Montana.

At the time the third session of the legislature was convened, the State of Montana was nearly four years old and possessed no public buildings except the old government penitentiary at Deer Lodge, which had become the property of the State through the enabling act, and the arsenal at Helena that cost about fifteen thousand dollars. Of the 668,080 acres donated by congress, only the seventy-two sections for the support of the state university had been selected. In his message Governor Rickards urged the location and establishment of schools, prisons and asylums, and the

selection of lands for their support, because the tide of immigration was steadily absorbing the most valuable portions of the public domain.

His suggestions were not allowed to pass unheeded. On February 16 an act locating the Agricultural College at Bozeman was approved. The exact site of eighty acres was to be selected by the state board of education, and fifteen thousand dollars was appropriated for its benefit. The next day the governor approved the acts establishing the school of mines at Butte, and the state university, the site of forty acres to be selected by the state board of education, within three miles of the city of Missoula. February 23, a state normal school was located at Dillon, in Beaver Head county. An appropriation of fifteen thousand dollars was made to each of these three institutions. On March 1, the reform school was located within three miles of Miles City, the exact site to be selected by a board of three trustees to be appointed by the governor. The same day the institution for the blind and the deaf mutes was located at Boulder in Jefferson county, and five thousand dollars was appropriated to its use. On March 2, the state orphan asylum was located at Twin Bridges in Madison county, and seven thousand five hundred dollars was appropriated.

The western penitentiary is the old government prison at Deer Lodge; the eastern penitentiary was located at Billings by the act approved March 3, 1893.

On February 6, Flathead county was created and organized by the appointment of Frank H. Emerson, Thomas A. Churchill and Samuel Pratt commissioners. Valley county was established at the same time, the first commissioners being E. D. Coleman, J. L. Truscott and Andrew Fine. On February 7, Teton county was organized, and W. S. Clark, J. P. Flint and C. Wallace Taylor were appointed commissioners.

Ravalli county was created February 16, and Granite county, March 2. The first commissioners of the former were J. M. Johnson, B. S. Chaffin and Abe. Mettower, and of the latter George B. Cain, George W. Morse and Ernest Freyschlag.

One of the duties devolving upon this session was the election of a United States senator to succeed Col. W. F. Sanders. On January 11, before any caucus was held, an informal ballot was taken. Colonel Sanders received 33 votes—the entire Republican strength in the legislature; W. A. Clark, fifteen; Ex-Governor Hauser, 11; W. W. Dixon, 8; Martin Maginnis, 1, and Samuel Mulville, the Populist candidate, 2. Party caucuses were then held, Colonel Sanders being the nominee of the Republicans, W. A.

Clark of the Democrats, while the three Populists decided to stand by Mulville. Eight Democrats refused to attend the caucus. The party was divided into two factions, one under the leadership of Marcus Daly and the other under that of W. A. Clark. The eight legislators who remained away from the caucus belonged to the Daly faction, and when the first ballot was taken, after the caucus nominations were made, they refused to support Mr. Clark, and voted for W. W. Dixon. On joint ballot the Democrats lacked one of having a majority, but the Populists soon dropped Mulville, and one of the three voted with the Clark men, while the other two aligned themselves with the Daly contingent in support of Dixon. Had the Democrats been harmonious the election of a senator would have been an easy matter. But as the balloting went on from day to day feeling grew more bitter, and the breach between the two factions widened until compromise or concession was out of the question. Altogether forty-four ballots were taken. Toward the last the Republicans substituted Lee Mantle for Colonel Sanders, in the hope of securing the support of the three Populists, and thus bringing about an election. On the last ballot, which was on March 2, the last day of the session, six Republicans voted for Clark. The ballot resulted, Clark 32, Mantle 25, Dixon 11, and the legislature adjourned without an election.

After the adjournment of the legislature, Governor Rickards appointed Lee Mantle to fill the vacancy caused by the expiration of Colonel Sanders' term, and the failure to select his successor. Mantle went to Washington, but was denied a seat in the senate, and on the 28th of August that body decided that the failure of the legislature to elect a United States senator did not leave a vacancy in the office that could be filled by gubernatorial appointment.

On the 6th of July, a number of mine owners met at Helena and organized the "Montana Free Coinage Association." Among other proceedings the following resolutions were adopted: "We declare it to be our deliberate conviction that in view of the unrequited labors of prospectors, the work expended upon the development of unprofitable mines, the losses on unproductive plants, and all the factors that enter into the ultimate cost of the silver product of the West, every ounce of silver taken from the earth and prepared for the mint represents its full coinage value at a ratio of sixteen to one.

"That the commerce of the world calls for the use of silver and gold as money, not only for the purpose of affording the necessary volume of currency, but equally that each may correct the occasional aberration in the value of the other.

"That as the history of the depreciation of silver is a history of adverse legislation, without which its parity to gold would have been maintained without doubt or difficulty, we demand that Congress shall be the first to retrace its steps and repeal the measures it has enacted to the detriment of that metal.

"That we appeal to the laboring classes of the Union, without regard to section to give their support to the policy of free coinage."

The only officials to be elected in Montana in 1894, were representatives and one half the senators in the state legislature, congressman and associate justice of the supreme court. The Populists were the first to hold a convention for the nomination of candidates. They met at Deer Lodge, June 28, and Robert B. Smith was nominated for congress and G. W. Reeves, for associate justice. The platform declared in favor of the free and unlimited coinage of silver at the ratio of sixteen to one; of the government issue of all money without the intervention of banks; of the establishment by the general government, of postal savings banks; of government ownership of railroads and telegraph lines, and declared in opposition to the issue of gold bonds.

On September 6, the Republican convention was held at Helena. Charles S. Hartman was re-nominated for congress and W. H. Hunt, for associate justice. They adopted a platform the principal features of which were the denunciation of the Wilson tariff bill, especially the wool schedule which it was declared had ruined the sheep industry in Montana and brought the owners to bankruptcy; and the demand for the free coinage of both gold and silver at the ratio of sixteen to one. They passed a resolution welcoming Hawaii to the galaxy of nations.

The Democratic convention assembled at the capital on the 25th of September and nominated H. S. Corbet for congress and L. A. Luce for associate justice. They adopted a platform in which the McKinley tariff bill was denounced; congress was endorsed for enacting an income tax law, and repealing the Federal election laws, and a declaration was made in favor of the free and unlimited coinage of silver at the ratio of sixteen to one and the election of United States senators by the people.

Charles S. Hartman was re-elected to congress, receiving 22,920 votes to 10,257 for Corbet and 15,401 for Smith. For associate justice, Hunt received 22,103 votes, Luce 10,714, Reeves, 15,505. The Republicans also elected a majority of each branch of the legislature, the senate standing 13 Republicans, 6 Democrats and 2 Populists. More votes were cast on the question of locating

the capital than for the candidates. In this contest Helena won receiving 27,024 votes to 25,118 for Anaconda.

On January 7, 1895, the fourth session of the state legislature was convened at Helena. The last territorial legislature passed an act, March 14, 1889, creating a commission to codify the territorial laws. Ex-Chief Justice Decius S. Wade; Ex-Gov. B. P. Carpenter and F. W. Cole were appointed on the commission, and begun their work the following month. A report was made to the legislature in February, 1892, but the Legislative Assembly of 1893 did not consider it. In the session of 1895, their final report was adopted, the codified laws taking effect July 1, of that year.

One of the most important acts passed by this legislature was that creating the board of arid land grant commissioners, which was approved by Governor Rickards on the 18th of March. Congress passed what is known as the Carey act August 18, 1894, and the purpose of the board created by the Montana legislature was to enable the State to accept the offer of the United States in the Carey act, for reclaiming arid lands. At the first meeting of the board four irrigating districts were laid out. The first consisted of Yellowstone county, the second of Park and Sweetgrass, the third of Carbon and the fourth of Lewis and Clarke. Several contracts were soon made, though the twentieth century had dawned before any land was actually reclaimed. Carbon county was created, March 4, and at the same time was organized by the appointment of Alvin A. Ellis, Orville E. Millis and Robert C. Beattie as county commissioners. The next day the governor approved an act creating and organizing the county of Sweetgrass. The first board of commissioners consisted of A. C. Logan, J. W. Bailey and P. O. Fallany.

For two years Montana had been represented in the United States senate by one senator, owing to the failure of the legislature of 1893 to elect. On January 15, 1895, Lee Mantle was elected on the first ballot to fill the vacancy. Thomas H. Carter was also elected United States senator at this session, to succeed Senator Power.

Lee Mantle, who succeeded W. F. Sanders, was born in England in 1851. At the age of eleven years he came with his mother to this country and first went to Utah. From there he went to Idaho and in 1872 to Montana. He learned telegraphy and was for a long time in the employ of the Western Union Telegraph Company on the old overland stage and telegraph line. He was next employed by the Wells-Fargo Express Company as agent at Butte City. In 1881 he began the publication of a daily news-

paper, called the *Inter-Mountain*. He has been alderman and mayor of Butte; three times a member of the territorial legislature, the last time speaker of the house; president of the Mineral Land Association, and delegate to the Republican national convention in 1884. The legislature of 1893 failed to elect a senator and he was appointed by Governor Rickards to fill the vacancy. He was denied a seat by the United States senate, that body holding that the governor could not legally appoint under the circumstances, and the place remained vacant until the legislative session of 1895, when he was elected, as already stated, for the term which expired March 4, 1899.

Thomas H. Carter was born in Scioto county, O., October 30, 1854. He received a common school education and taught for several years, studying law during vacations until he was admitted to the bar. In 1882 he located at Helena, Mont.; was elected delegate to congress in 1888, and after the admission of Montana as a state was the first representative in congress. From March, 1891, to July, 1892, he was commissioner of the general land office, and from 1892 to 1896 was chairman of the Republican national committee. In January, 1895, he was elected United States senator to succeed Thomas C. Power, his term expiring March 4, 1901.

In February, 1896, congress ratified the agreement with the Indians of the Blackfoot and Fort Belknap agencies by which the former gave up 1,000,000 acres for which they were to receive one dollar and a half an acre; one hundred and fifty thousand dollars to be expended every year for ten years by the general government for the benefit of the tribe. The act ratifying the agreement also provided that the mineral lands of this cession should be sold at from two dollars to five dollars an acre. The Fort Belknap Indians ceded 40,000 acres, mostly mineral lands, for three hundred and sixty thousand dollars, payable ninety thousand dollars a year for four years, and the selling price of the lands thus ceded was fixed at ten dollars an acre.

On Decoration day the corner stone of the state soldiers' home, at Columbia Falls, was laid, for the erection of which the last legislature had appropriated ten thousand dollars.

Some trouble was experienced in the removal of the Kree Indians; congress passed a bill in May appropriating five thousand dollars to pay the expenses of their removal, but the Indians stubbornly refused. A special train and a detachment of troops on the 1st of June succeeded in removing them to their new reservation, though one Indian committed suicide at Great Falls in preference to taking up a new abode.

For several years prior to 1896 all political parties and a number of industrial bodies of Montana had declared in favor of the free coinage of silver, and its use as money on the same basis as gold. All platforms of 1894 took this position, and in addition to the resolutions adopted by the Mining Congress at Helena in 1892, and the Montana Free Coinage Association in 1893, Governor Rickards, in his message to the legislature in 1893, recommended a memorial to congress "praying for the early consideration of a free coinage bill," and also recommended the creation of a joint commission, "to prepare arguments and compile facts to sustain the position." No doubt this persistent agitation of the free coinage question, in such states as Montana, had a great influence in 1896 in shaping the declarations of the Democratic national platform.

The first political convention in 1896 was held by the Republicans at Butte, May 11. Delegates to the national convention were selected. They adopted a platform reiterating faith in the "great Republican principles of bimetallism, protection and reciprocity;" declaring in favor of the free and unlimited coinage of both gold and silver at the ratio of sixteen to one; endorsing the Monroe doctrine and the McKinley duty on wool; expressing sympathy for the Cuban insurgents in their struggle for independence, and denouncing the foreign and pension policies of President Cleveland's administration.

On June 20, the Democrats met and selected delegates to their national convention; proclaimed themselves opposed to bond issues in time of peace; denounced the American Protective Association as an unpatriotic and un-American organization, and demanded the opening of the United States mints to the free coinage of both gold and silver, at the ratio of sixteen to one, without waiting for the consent or co-operation of any other nation.

The failure of the Republican national convention to agree with the Montana idea of bimetallism caused some trouble in the party in that State. A conference of leaders was held August 4, when Congressman Hartman and United States Senator Mantle both announced their intention of supporting the Democratic nominee for president. An agreement was finally reached, however, by which all were to unite in the nomination of a state ticket, after which the free coinage men were to peaceably withdraw from the convention and permit the nomination of presidential electors favorable to McKinley. This program was carried out and a state convention was called at Helena for the 9th of September, when Alex. C. Botkin was nominated for governor; Peter R.

Dolman for lieutenant governor; Louis Rotwitt, secretary of state; Albert C. Love, auditor; Chas. M. Webster, treasurer; Samuel G. Murray, attorney general; John P. Hendricks, superintendent of public instruction; George H. Grubb, associate justice. At this point in the proceedings the free coinage men withdrew and renominated Charles S. Hartman for congress. The gold men continued in session, nominated McKinley electors and O. F. Goddard for representative in congress.

Conventions were held by both the Democratic and Populist parties on the 3d and 4th of September. The former met at Missoula and the latter, at Helena. A coalition of the two parties by the terms of which the Populists were given one presidential elector and the Democrats two was effected. In the formation of a state ticket the Populists nominated Robert B. Smith for governor; A. E. Spriggs, lieutenant governor; T. S. Hogan, secretary of state; E. A. Carleton, superintendent of public instruction. The Democrats completed the ticket by nominating T. W. Poindexter for auditor; T. E. Collins, treasurer; C. B. Nolan, attorney general; H. R. Buck, associate justice. No nomination for representative in congress was made. Candidates for some of the state offices were nominated by the Free Silver Republicans, but the courts decided they had no right on the official ballot.

At the election in November the entire fusion ticket was elected by decisive majorities. Bryan received 42,537 votes; McKinley 10,494 and Levering 186. For governor, Smith received 36,688 and Botkin 14,993. Hartman was elected to congress over Goddard by a vote of 33,932 to 9,492. In the state legislature the senate stood 11 Republicans, 9 Democrats and 3 Populists; the house 8 Republicans, 9 Democrats and 3 Populists.

On September 4, the First National Bank of Helena, one of the largest financial concerns in the State, failed with liabilities of three million four hundred and fifty thousand dollars, of which nearly two million dollars were individual deposits. The bank was placed in the hands of a receiver, went into liquidation and its affairs were closed in May, 1903.

Robert Burns Smith, third state governor of Montana, was born in Hickman county, Ky., December 29, 1854. After attending the academy at Milburne, Ky., he taught school for four years being principal the last year of the classical academy at Charleston, Mo. In the spring of 1877 he entered the law office of Colonel Crosstand at Mayfield, Ky. Having previously given some attention to the study of law, he was admitted to the bar in October, 1877, and the next spring removed to Blandville, Ky.,

where he continued in practice about three years, when he removed to Charleston, Mo. He remained at Charleston only a year, going to Dillon, Mont., in 1882. He was a delegate to the constitutional convention of 1884, and in October, 1885, was appointed United States district attorney for the Territory by President Cleveland. This office he resigned March 4, 1889, and removed to Helena where he was appointed city attorney the following year. In 1894 he ran for congress on the Populist ticket, but was defeated, and two years later by the Democrats and Populists was elected governor. Upon retiring from the office in 1901 he settled at Butte and resumed the practice of law.

The fifth session of the legislature met at the capitol on January 4, 1897, with Lieutenant-Governor Spriggs as presiding officer of the senate and John Bloor as secretary. In the organization of the house J. M. Kennedy was elected speaker and David Marks, chief clerk. Governor Smith in his message announced that the buildings of the state reform school were nearly completed, and that satisfactory progress was being made on the state normal school, the school of mines and the deaf and dumb asylum. The agricultural college was already in operation and meeting with liberal patronage. He recommended legislation looking toward the completion of the state university, and correcting the errors of the bounty laws. During the fiscal year of 1896 bounties amounting to fifty-four thousand six hundred and forty-eight dollars, had been paid upon the scalps of 18,216 coyotes, and the revenue was not sufficient to meet the demand. He also recommended a constitutional amendment introducing the initiative and referendum.

This legislature passed an act creating a board of five commissioners for the state university, and authorizing them to issue bonds, upon the university lands, to the amount of one hundred thousand dollars for the erection of suitable buildings. The commissioners appointed were Alfred Cave, Joseph K. Wood, George C. Higgins, Reuben Latimer and E. A. Winstanley. They had plans prepared for two buildings, the contracts for which were let for eighty thousand dollars, leaving a balance of twenty thousand dollars in the hands of the board for furniture and fixtures.

Broadwater county was created February 9, and organized at the same time by the appointment of H. S. Hyatt, William H. Risk and A. W. Schreiber, county commissioners.

On the 4th of March the governor approved an act making it a penitentiary offense to play any game of chance for money. Soon after the adjournment of the legislature, the validity of this

law was questioned, because Broadwater county, which had been created prior to the passage of the gambling bill, had no representative in the legislature at the time the law was enacted. The question was carried to the courts where the law was upheld.

Judge H. R. Buck of the supreme court died December 6, 1897, and William T. Pigott was appointed to the vacancy.

When President McKinley, April 23, 1898, issued a call for one hundred and twenty-five thousand volunteers, to participate in the Spanish-American war, Montana was the first state to respond. The First regiment of Montana volunteers, composed of nine hundred and seventy-six men and forty-eight officers, almost double the number asked for in the president's call, was mustered in at Helena from the 5th to 10th of May, being enlisted, organized and accepted by the war department in seventeen days.

The first company mustered in was that of Capt. Asa L. Duncan of Helena, afterwards designated as Company L, which was sworn in on the 5th of May. On the following day Company B, of Butte, Capt. Charles Gardner and Company D, of Virginia City, Capt. George W. Reif, were accepted. May 7, Companies F and G both of Butte, captains, William L. Hill and Ellis W. Wynne, respectively, and Company K, of Anaconda, Capt. Thomas S. Dillon, were added to the regiment. On the 8th Company A of Great Falls, Capt. John E. Moran, and Company E of Dillon, Capt. Andrew Jensen were mustered in, and on the 9th the regiment was completed by the admission of Company C, made up from Bozeman and Helena, Capt. James F. Keown, Company H, of Kalispell, Capt. James D. Eaton* and Company I of Lewistown under command of Capt. G. H. Preston. Recruits were added May 21; June 9 and 22, and July 3 and 18, until the whole number accounted for on the regimental muster rolls was seventy-eight officers and one thousand and fifty-four men.

The commissioned field and staff officers were as follows: Harry C. Kessler, colonel commanding the regiment; Robert B. Wallace, lieutenant colonel; James W. Drennan, Byron H. Cook, and John R. Miller, majors; Francis J. Adams, regimental surgeon with the rank of major; George C. Stull, chaplain with the rank of captain. The following officers all bore the rank of first lieutenant: Benjamin E. Calkins, adjutant; Alfred Seadorf, quarter master; Louis P. Sanders, William Brown and William B. Hanna, battalion adjutants; Louis C. Bruning and Leroy Southmayd assistant surgeons. The non-commissioned staff officers

* Captain Eaton failed to pass the medical examination, and Frank E. Green became captain of Company H.

were: Colin L. Hill, sergeant major; Charles W. Lane, regimental quartermaster sergeant; Harry Roberts, chief musician; Leon B. Alexander and Charles D. Tomlinson, principal musicians; Edward H. Charette, Robert H. Paxson and Andrew G. Lindquist, hospital stewards.

The regiment was ordered to the Philippines and left the United States, July 18, for Manila, where it arrived on the 24th of August. Between that time and August 29, 1899, all or part of the regiment took part in thirty-four engagements, in which a number of casualties were incurred. At Caloocan February 10, 1899, Lieut. Col. R. R. Wallace, Capt. W. L. Hill and Lieut. W. C. Gardenshire were wounded. At the same place, February 23, Lieut. E. S. French was killed and Lieut. Philip Greenan, wounded. On March 25, at La Loma church Lieutenants Myles and Kelly were wounded, and the next day F. J. Adams, major and surgeon was severely wounded at Meycanayan. Maj. J. R. Miller and Capt. Andrew Jensen were wounded in a skirmish at Apalit, April 27; Capt. T. S. Dillon was wounded at Santos Tomas, May 4, and Capt. G. H. Tilly of the Signal Corps was killed at Escalante on the 27th of May.

On the 23rd of August, 1899, the troops embarked at Manila for the homeward voyage and landed at San Francisco September 22. Here the regiment remained until October 17, when it was mustered out of the service. At the time of the muster out the regiment was composed of six hundred and seventy-three men and forty-eight officers, but they were not the same officers; twenty-eight had resigned or been discharged; one was killed in action, and one died of disease. Of the nine hundred and seventy-three men who started out with the regiment, seventy-eight had been transferred to other commands; twenty-nine were discharged for disabilities; 4 by sentence; 232 by order; 12 were killed in action; 8 died of wounds; 14 died of disease; 1 was drowned and 10 deserted. The total number wounded and recovered was 120, 9 officers and 111 men.

By subscription, Charles W. Clark being the chief contributor, a fund was raised and a silver medal was presented to each of the survivors. On one side was the figure of a goddess crowning a soldier with a laurel wreath, surrounded by the inscription: "First to respond to their country's call 1898; Campanas de Filipinos 1899." On the other side was the great seal of the State and the words: "First Montana U. S. Volunteers, Second Div. 8th A. C." The medal was suspended by a ribbon from a silver bar upon which was engraved "First Mont. U. S. Vols."

Immediately after the organization of the First volunteer regiment, nearly two hundred men were recruited for the Third United States cavalry. Company A, of Butte, under Capt. D. G. Stivers was mustered in May 10, and on the 13th Capt. Frank G. Higgins's company, of Missoula, Troop I, of Miles City, Capt. Joseph T. Brown, and Troop M, of Billings under Capt. John C. Bond were added to the regiment, and Charles F. Lloyd, a Montana man, was made lieutenant colonel. Such is Montana's record in the Spanish-American war, a record of which any state might well be proud.

On the 21st of September, 1898, delegates from the Populist and Democratic parties and the Free Silver Republicans met in convention at Anaconda. The attempt to nominate a fusion ticket resulted in a failure, the Democrats withdrawing from the convention, Governor Smith, who was nominated and elected as a Populist, going with them. The Populists and Silver Republicans then nominated the following ticket: For congressman, Charles S. Hartman; chief justice, Theodore Brantly; associate justice, Henry C. Smith; clerk of the supreme court, Oliver Holmes. Before the election Mr. Smith declined and J. M. Clements was placed on the ticket for associate justice. The name of Charles S. Hartman was withdrawn, and that of T. S. Hogan was substituted. After withdrawing from the joint convention the Democrats met in another hall and nominated A. J. Campbell for congress; William Y. Pemberton for chief justice; W. T. Pigott for associate justice, and Henry G. Rickerts for clerk of the supreme court.

The Republican convention was held at Helena on the 24th of September. Thomas C. Marshall was nominated for congress; for chief justice the nomination of Theodore Brantly by the Populists and Silver Republicans was endorsed; George H. Grubb was named for associate justice, and Benjamin Webster for clerk of the supreme court.

The election occurred November 8. For congress Campbell received 23,531 votes, Marshall, 14,829 and Hogan, 11,607. Brantly, the Silver Republican and Populist candidate for chief justice, was elected, receiving 24,476 votes to 24,319 for Pemberton. The Democratic candidates for associate justice and clerk were elected. The Democrats also elected a majority in both branches of the legislature, the senate standing 18 Democrats, 5 Republicans and 1 Populist and the house 56 Democrats, 5 Republicans and 4 Silver Republicans.

On July 4, 1899, the corner stone of Montana's state house was

laid, the orator of the occasion being ex-Governor Toole. The legislature of 1895 passed an act providing for a capitol building to cost one million dollars, and a commission was appointed to supervise its construction. Nothing was done for two years, and the legislature of 1897 repealed the law and enacted one in its stead providing for a building to cost three hundred thousand dollars. A board of commissioners, consisting of Elizur Beach of Lewis and Clarke county, J. M. Fox of Carbon, D. E. Folsom of Meagher, A. D. Peck of Deer Lodge, and the governor, was appointed, with authority to issue bonds to the amount of thirty-five thousand dollars secured by the public lands belonging to the State, and proceed with the erection of the building. The board organized and tried to find a purchaser for the bonds but without success. Then they decided to have plans made and try to find some contractor who would build the capitol and accept the bonds in payment.

Bell & Kent, architects, of Helena, were employed to prepare plans, and before they had completed their work Thomas Cruse, a wealthy and public spirited citizen of Helena, came forward and took the entire issue of bonds at par. This was a great relief to the board, who paid off outstanding warrants of the old board to the amount of forty thousand dollars, with accumulated interest; and, on the 13th of September, a contract was let to the Montana Building Company for the construction of the building, which was to be finished by May, 1900.

The capitol as designed by the architects is 250 feet from east to west and 130 feet from north to south, through the greatest dimensions. In the center is a rotunda 45 feet in diameter, surmounted by a dome the paneled ceiling of which is 95 feet above the main floor. Columns of dressed sandstone mark the main entrances, while the interior is wainscoted with marble. Comfortable office rooms and commodious chambers for the two branches of the legislature are provided, and though Montana's capitol is not the most sumptuous it is one of the neatest and best appointed in the Union.

An appropriation of fifteen thousand dollars for an exhibition of Montana's products at the Omaha Exposition of 1898 was made by the legislature. This appropriation was supplemented by a donation of fifteen thousand dollars from Marcus Daly, and W. H. Sutherlin was appointed commissioner. A building costing four thousand dollars was erected on the exposition grounds, and a fine collection of minerals, horticultural products, etc., were placed on

exhibition. Several prizes were won by the mineral display, and the State stood second in horticulture.

The sixth legislature was convened at Helena on the 2nd of January and organized by the election of D. P. O'Conner secretary of the senate, Henry C. Stiff, speaker of the house, and Charles R. Craig, chief clerk. They passed acts changing the boundaries between Lewis and Clarke and Deer Lodge counties, and annexing part of Meagher county to Cascade. Appropriations amounting to five hundred and seventy-seven thousand dollars for the benefit of the state institutions were made, and a specific appropriation of eleven thousand dollars for the completion of the orphans' home at Twin Bridges was passed.

In the election of a United States senator to succeed Lee Mantle, each of the two factions in the Democratic party put forward a candidate, and, though neither faction was strong enough to elect, it had sufficient strength to prevent an election by the other. The two candidates were W. A. Clark and W. G. Conrad. Early in the session rumors of irregular conduct became current. Accordingly on January 9, the assembly passed a resolution asking for the appointment of a joint committee to investigate these reports. Senator Whiteside, in joint session and later in his testimony before the committee showed thirty thousand dollars and stated that he had received it from the agents of William S. Clark one of the senatorial candidates, for his own support and for securing the support of certain other members of the legislature. This money was taken charge of by the investigating committee, deposited with the state treasurer, and, as no one claimed it, was subsequently deposited in the public school income fund under an act of the legislative assembly, approved March 7, 1901. On January 11, the charges were referred to the grand jury which made a report on the 26th to the effect that they found "No evidence to warrant conviction." The same day Senator Whiteside, whose seat was being contested by J. H. Greiger, was unseated by the senate.

Meantime the balloting for senator went on from day to day until January 28, when, on the seventeenth ballot, 11 Republicans voted for W. A. Clark and ended the contest by electing him. The final vote stood: 54 for Clark, 27 for Conrad, 4 for Marshall and 4 scattering. This ended the contest so far as the Montana legislature was concerned, but it was carried to Washington where an investigation was made by a committee of the United States.

In the campaign of 1900 both the Republican and Democratic parties were harassed by internal dissensions. Although but one

Republican ticket was nominated, the party was divided into two factions one of which charged the other with belonging to the Standard Oil Company and the Amalgamated Copper Trust. The first Republican convention was held at Butte on the 17th day of May to select delegates to the presidential convention. They adopted a declaration of principles, endorsing President McKinley's administration; favoring legislation by congress to check the growth and power of trusts, and condemning the action of the eleven Republican legislators who voted for W. A. Clark for United States senator. A second convention of the same party was held at Helena, September 5, for the nomination of a state ticket. David E. Folsom was nominated for governor; A. J. Bennett for lieutenant governor; A. N. Yoder for secretary of state; C. C. Proctor for auditor; Frank J. Edwards for treasurer; T. J. Porter for attorney general; W. E. Harmon for superintendent of public instruction, and Rudolph Von Tobel for associate justice of the supreme court.

On June 20, a Democratic convention assembled at Butte to select delegates to the national convention. A majority of the delegates belonged to what was known as the Clark faction, but the Daly men withdrew and organized a new party—the Independent Democratic and issued a call for a convention at Butte on the 2nd of October. At this convention the following nominations were made: Governor, Thomas S. Hogan; lieutenant-governor, Joseph E. Marion; secretary of state, George M. Hays; auditor, E. G. McLean; treasurer, Alexander Livingston; attorney general, W. R. C. Stewart; superintendent of public instruction, P. A. Leamy; associate justice, Robt. K. Word.

The other wing of the Democracy effected a fusion with the Populists and nominated Joseph K. Toole for governor; Frank G. Higgins for lieutenant governor; George M. Hays for secretary; J. H. Calderhead for auditor; A. H. Barret for treasurer; James Donovan for attorney general; J. M. Lewis for superintendent of public instruction; G. R. Milburn for associate justice and Caldwell Edwards for congress. On this ticket Toole, Higgins, Hays, Barret and Milburn were Democrats and the others Populists.

An invitation was extended to the Union Labor party by the leaders of the fusion movement to unite with them in the nomination of a ticket. At first the invitation was declined, and the following Union Labor candidates were nominated: Governor, J. A. Ferguson; lieutenant-governor, Otto Schoenfeld; secretary, F. M. Nickerson; treasurer, Robert D. Myles; superintendent of public instruction, W. W. Welch. Later the party joined with

the other fusionists and all these candidates were withdrawn except W. W. Welch, who was placed on the ticket instead of J. M. Lewis.

The Social Democratic party held a convention—the first in the State for this organization—at Butte, on the 18th of September. They adopted a platform denouncing both the Republican and Democratic parties as being controlled by capitalists; declaring that imperialism and expansion were sham issues and that the only solution of the trust problem was in common ownership of all means of production and transportation. The platform further demanded the public ownership of mines; a reduction in the hours of labor required for a day's work; the initiative and referendum, and the substitution of international arbitration for war. Candidates were nominated as follows: Governor, J. F. Fox; lieutenant governor, Henry S. Davis; secretary, John M. Horne; auditor, Joseph G. Hoar; treasurer, Henry Tople; superintendent of public instruction, O. M. Partelow.

In the election the fusion ticket was successful. For president, Bryan (Democrat) received 37,146 votes; McKinley (Republican) 25,373; Debs (Social Democrat) 708; Wooley (Prohibitionist) 298; other candidates, 116. Toole, for governor, received 31,419 votes; Folsom, 22,691; Hogan, 9,188, and Fox, 505.

All parties were represented in the legislature. The senate was made up of 10 regular Democrats, 9 Republicans, 1 Populist and 4 Independent Democrats. In the assembly the regular Democrats had 27, the Republicans 23, the Populists 6, the Independent Democrats 5, and the Union Labor forces 5.

A constitutional amendment was adopted by a vote of 7,689 to 3,265. It provides that when a temporary vacancy occurs on the supreme bench, through the sickness or other disability of one or more of the judges, the remaining judges may call in some of the district judges to fill such vacancies, and that the decisions rendered by the court thus constituted shall have the same force and effect as though handed down by the regularly elected justices of the court. In June, W. H. Hunt resigned his position as associate justice, and Robert Lee Word was appointed to the vacancy. Judge Word was nominated by the Independent Democrats in October, but was defeated by G. R. Milburn.

Reports from the various state officers and boards, to the sixth legislature, which assembled at Helena, January 7, 1901, showed the finances and institutions of the State to be in good condition. The state treasurer reported no bonded indebtedness, and a bal-

ance of nearly five hundred forty-five thousand dollars in the treasury. An attendance of 129 was reported at the state normal school. The state university, which was opened in 1895, reported an attendance of 253 students. A chair of mining engineering was endowed by Charles W. Clark in the school of mines, which opened in 1900 with an attendance of 59. Wages of teachers in the public schools according to the report of the superintendent of public instruction, were one hundred and thirty dollars a month for men and eighty dollars for women.

The soldiers' home at Columbia Falls was first opened in 1897. Since that time 120 had been admitted, 23 of whom had died. Reports from prison wardens showed 344 inmates in the penitentiaries at Deer Lodge and Billings at the close of the year 1900, 75 in the reform school, and 104 inmates were in the orphans' home at Twin Bridges. No insane asylum was ever built or owned by the State of Montana. In his message to the legislature Governor Toole called attention to the conditions attendant upon the care of the insane by private contract. At the close of 1900 there were 477 insane wards of the State being cared for in a private asylum, the State paying sixty-five cents daily for the care and keeping of each patient.

On February 11, Rosebud county was created, and Freeman Philbrick, W. W. McDonald and Hunter Terrett appointed commissioners. Powell county was cut off from Deer Lodge on the 31st of January, and a board of county commissioners consisting of Henry B. Davis, William T. Kuehn and T. B. Mannix were appointed. On the 8th of March the governor approved an act changing the name of the county to Deer Lodge, and on the same date the name of Deer Lodge county was changed to Daly.

Two United States senators were to be elected at this session of the legislature. On January 16, William A. Clark was elected for the term ending March 4, 1907. The ballot stood, Clark 57, Thomas H. Carter 31, Martin Maginnis 4, Robert B. Smith 1. In the election of a senator for the term ending March 4, 1905, more difficulty was experienced. The balloting continued until the 6th of March, the last day of the session, when, on the sixty-sixth ballot, the choice fell on Paris Gibson of Cascade county, by the following vote: Gibson 47, T. H. Carter 33, Martin Maginnis 11, H. L. Frank 1.

William Andrews Clark was born near Connellsville, Pa., January 8, 1839. The principal part of his education was acquired in the Laurel Hill academy. In his youth he went to Mount

Pleasant, Ia., where he studied law, but never engaged in practice. After teaching school for about two years in Missouri, he went to Central City, Col., in 1862, where he became interested in some quartz mines. The following year found him in Montana, of which State he has since been a resident, though he spends much of his time at his office in New York. He owns the street railway at Butte; is a large stockholder in several banks and mining companies; president of the United Verde Copper Company of Arizona, and is also interested in various other enterprises. He was the state orator for Montana at the Centennial Exposition in 1876; grandmaster of the Masonic fraternity in Montana in 1877; major of the Butte battalion in Nez Perce war, 1878; Montana commissioner to the New Orleans Exposition, 1884; defeated for congress in 1888; elected by one set of legislators to the United States senate in 1890, but the Republican senators were seated; was again elected in 1899 but his seat was contested on the ground of bribery and he resigned before the contest was settled and after the committee on elections had unanimously reported against him. In January 1901 he was a third time elected to the United States senate, and this time was successful in obtaining his seat without dispute.

Paris Gibson was born at Brownfield, Me., July 1, 1830. At the age of twenty-one he graduated from Bowdoin college and in 1854 was elected a member of the Maine legislature. In March, 1858, he went to Minneapolis, Minn., where, in conjunction with W. W. Eastman, he built the first flour mill and the first woolen mill in that city. Meeting with financial reverses in the panic of 1873, he removed to Fort Benton, in 1879, and engaged in sheep raising. In 1882 he visited the falls of the Missouri, and with James J. Hill acquired title to the town site and adjacent coal lands and founded the city of Great Falls. He was a delegate to the constitutional convention of 1889 and in 1890 was elected a state senator from Cascade county.

In October, 1901, the Dearborn valley irrigating canal was opened and dedicated with appropriate ceremonies. This is the first canal constructed under the provisions of the Carey act of 1894. The Dearborn valley, which is irrigated by this canal, lies about fifty miles north of Helena, with the Sun river on the north, the Dearborn on the south, the Missouri on the east and the Rocky mountains on the west. It contains about 800 square miles in one of the finest regions of Montana. The main canal, which is about 100 miles long, extends from the grand canon of

the Dearborn river to Summit lake, hence the water is distributed through the medium of small streams like Flat, Dry, and Simus creeks, Spring Coulee and several hundred miles of lateral canals. The system of reservoirs covers 3,000 acres with an average depth of 20 feet, the whole containing 60,000 acre feet. This is only the beginning. Within a few years the irrigating systems of Montana will be multiplied, and her arid lands be made to "blossom as the rose."

CHAPTER VII

Montana, Statistics and Observations

THE word "Montana" comes from the Spanish language and means mountainous. To the region now included within the boundaries of Montana, the Snake Indians gave the name of "To-ya-be Shock-up" (the country of the mountains). From these names the general character of the surface may be inferred. The western part is traversed by the main divide of the Rocky mountains and the Bitter Root range, the highest elevation being Mt. Douglas with an altitude of 11,300 feet. All the eastern portion of the State consists of undulating plains about 2,000 feet above sea level, well adapted to stock raising. Although the State is well watered by numerous creeks and rivers, the rainfall is so slight and uncertain that irrigation is necessary in most parts of the State to insure success in agricultural pursuits. Mining is the chief industry, though farming, fruit growing and stock raising are carried on with good results, especially in the irrigated districts. In 1900 the State stood second in the quantity of wool produced, and the clip was of an exceptionally high quality. Manufacturing is receiving attention, and in 1900 more than two hundred factories of different kinds were in operation.

Montana has been fortunate, both as a state and territory, in having for her public officials men of good judgment and probity. The act of these officials form the history of the State, and it is fitting that a list of them should be given in any account of the State they helped to make.

Territorial governors of Montana, with the year in which the administration of each began: Sidney Edgerton, 1864; Green Clay Smith, 1866; James M. Ashley, 1869; Benjamin F. Potts, 1870; John S. Crosby, 1882; Benjamin Platt Carpenter, 1884;

Samuel T. Hauser, 1885; Preston H. Leslie, 1887; Benjamin F. White, 1889.

Territorial secretaries: Henry P. Torsey, 1864; John Coburn, 1865;* Thomas F. Meagher, 1865; James Tufts, 1867; Wiley S. Scribner, 1869; Addison H. Sanders, 1870; James E. Callaway, 1871; James H. Mills, 1877; Isaac D. McCutcheon, 1882; John S. Tooker, 1884; William B. Webb, 1885; Lewis A. Walker, 1889.

Chief justices of the territorial supreme court: Hezekiah L. Hosmer, 1864; Henry L. Warren, 1868; Decius S. Wade, 1871; Newton N. McConnell, 1887; Henry N. Blake, 1889.

By the provisions of the state constitution, adopted in 1889, the state officers are elected for four years at the same time the president of the United States is elected. The first state officers were elected on the first of October, 1889, and their successors were chosen at the election in November, 1892. Judges of the supreme court are elected for six years, one member of the court being elected every two years at the congressional election.

State governors of Montana: Joseph K. Toole, 1889; John E. Rickards, 1893; Robert B. Smith, 1897; Joseph K. Toole, 1901.

Lieutenant-governors: John E. Rickards, 1889; Alexander C. Botkins, 1893; A. E. Spriggs, 1897, Frank G. Higgins, 1901.

Secretaries of state: Louis Rotwitt, 1889; T. S. Hogan, 1897; George M. Hays, 1901.

Auditors of state: E. A. Kenney, 1889; Andrew B. Cook, 1893; T. W. Poindexter, 1897; J. H. Calderhead, 1901.

Treasurers of state: Richard O. Hickman, 1889; Frederick W. Wright, 1892; T. E. Collins, 1896; A. H. Barret, 1900.

Attorneys general: Henri J. Haskell, 1889; C. B. Nolan, 1896; James Donovan, 1900.

Superintendents of public instruction: John Gannon, 1889; Eugene A. Steere, 1892; E. A. Carleton, 1896; W. W. Welch, 1900.

Representatives in congress: Thomas H. Carter, 1889; William W. Dixon, 1890; Charles S. Hartman, 1892; A. J. Campbell, 1898; Caldwell Edwards, 1900; Joseph M. Dixon, 1902.

United States senators and date of expiration of their terms: W. F. Sanders, 1893; Thomas C. Power, 1895; Thomas H. Carter, 1901; Lee Mantle, 1889; W. A. Clark, 1905 (resigned); Paris Gibson, 1905; W. A. Clark, 1907.

Chief justices of supreme court, and date of election: Henry

*Torsey and Coburn both declined appointment and the territory was without a secretary until the arrival of General Meagher, August, 1865.

N. Blake, 1889; William Y. Pemberton, 1892; Theodore Brantly, 1898.

Associate justices: William H. DeWitt, 1889; E. N. Harwood, 1889; W. H. Hunt, 1894;* H. R. Buck, 1896;† William T. Rigott, 1898; G. R. Milburn, 1900.

Clerks of supreme court: W. J. Kennedy, 1889; Benjamin Webster, 1892; Henry G. Rickerts, 1898.

When the State was admitted into the Union, in 1889, it was made a part of the ninth Federal judicial circuit, and a district court created for the district of Montana. Hiram Knowles was appointed district judge by President Harrison, and has served in that capacity ever since.

Since the organization of the Territory in 1864, the growth has been rapid, but it has been of a substantial character. The following tables will give an idea of the political development and growth of population.

TABLE SHOWING THE POPULATION OF MONTANA, BY COUNTIES, AT EACH UNITED STATES CENSUS SINCE 1870.

| Counties. | 1870 | 1880 | 1890 | 1900 |
|------------------------------|--------|--------|---------|---------|
| Beaver Head..... | 722 | 2,712 | 4,655 | 5,615 |
| Broadwater..... | | | | 2,641 |
| Carbon..... | | | | 7,533 |
| Cascade..... | | | 8,755 | 25,777 |
| Choteau..... | 517 | 3,053 | 4,741 | 10,866 |
| Custer..... | 38 | 2,510 | 5,308 | 7,891 |
| Dawson..... | 177 | 180 | 2,056 | 2,443 |
| Deer Lodge..... | 4,367 | 8,876 | 15,155 | 17,393 |
| Fergus..... | | | 3,514 | 6,837 |
| Flathead..... | | | | 9,375 |
| Gallatin..... | 1,578 | 3,643 | 6,246 | 9,553 |
| Granite..... | | | | 4,828 |
| Jefferson..... | 1,531 | 2,464 | 6,026 | 5,630 |
| Lewis & Clarke..... | 5,640 | 6,521 | 19,145 | 19,171 |
| Madison..... | 2,684 | 3,915 | 4,692 | 7,695 |
| Meagher..... | 1,387 | 2,743 | 4,719 | 2,596 |
| Missoula..... | 2,554 | 2,537 | 11,127 | 13,964 |
| Park..... | | | 6,881 | 7,541 |
| Ravalli..... | | | | 7,822 |
| Silver Bow..... | | | 23,744 | 47,635 |
| Sweetgrass..... | | | | 3,086 |
| Teton..... | | | | 5,000 |
| Valley..... | | | | 4,355 |
| Yellowstone..... | | | 2,065 | 6,212 |
| Crow Indian Reservation..... | | | | 2,660 |
| | 20,555 | 59,159 | 132,159 | 243,399 |

Montana was organized as a separate territory four years after the census of 1860 was taken. The eleven counties in the Territory in 1870 have been divided and subdivided until in 1899 there

* Resigned June, 1900; R. L. Word appointed to the vacancy.

† Died December 6, 1897; William T. Rigott appointed to fill out term.

were twenty-six political divisions, exclusive of the Crow Indian reservation.

TABLE SHOWING THE DATE OF ESTABLISHMENT AND ORGANIZATION OF EACH OF THE COUNTIES IN EXISTENCE AT THE CLOSE OF THE YEAR 1900, TOGETHER WITH THE PRESENT COUNTY SEAT.

| Counties. | Created | Organized. | County seat. |
|-----------------------|----------------|----------------|---------------------|
| Beaver Head | May 26, 1864 | Feb. 2, 1865 | Dillon. |
| Broadwater..... | Feb. 9, 1897 | Feb. 9, 1897 | Townsend. |
| Carbon..... | Mar. 4, 1895 | Mar. 4, 1895 | Red Lodge. |
| Cascade..... | Sept. 12, 1887 | Sept. 12, 1887 | Great Falls. |
| Choteau..... | May 26, 1864 | Feb. 2, 1865 | Fort Benton. |
| Custer..... | Feb. 2, 1865 | Feb. 16, 1877 | Miles City. |
| Dawson..... | Jan. 15, 1869 | Feb. 2, 1869 | Glendive. |
| Deer Lodge..... | May 26, 1864 | Feb. 2, 1868 | Deer Lodge. |
| Fergus..... | Mar. 12, 1885 | Feb. 2, 1886 | Lewiston. |
| Flathead..... | Feb. 6, 1893 | Feb. 6, 1893 | Kalispell. |
| Gallatin..... | May 26, 1864 | Feb. 2, 1865 | Bozeman. |
| Granite..... | Mar. 2, 1893 | Mar. 2, 1893 | Phillipsburg. |
| Jefferson..... | May 26, 1864 | Feb. 2, 1865 | Boulder Valley. |
| Lewis and Clarke..... | May 26, 1864 | Feb. 2, 1865 | Helena. |
| Madison..... | May 26, 1864 | Feb. 2, 1865 | Virginia City. |
| Meagher..... | Nov. 16, 1887 | Nov. 16, 1887 | White SulphurSp'gs. |
| Missoula..... | May 26, 1864 | Feb. 2, 1865 | Missoula. |
| Park..... | Feb. 23, 1887 | Feb. 23, 1887 | Livingston. |
| Powell..... | Jan. 31, 1901 | Jan. 31, 1901 | Deer Lodge. |
| Ravalli..... | Feb. 16, 1893 | Mar. 2, 1893 | Stevensville. |
| Rosebud..... | Feb. 11, 1901 | Feb. 11, 1901 | Forsyth. |
| Silver Bow..... | Feb. 16, 1881 | Feb. 16, 1881 | Butte. |
| Sweetgrass..... | Mar. 5, 1895 | Mar. 5, 1895 | Big Timber. |
| Teton..... | Feb. 7, 1893 | Feb. 7, 1893 | Choteau. |
| Valley..... | Feb. 6, 1893 | Feb. 6, 1893 | Glasgow. |
| Yellowstone..... | Feb. 26, 1883 | Feb. 26, 1883 | Billings. |

Rosebud county was created by the legislature of 1901; changes were made regarding the boundaries of Deer Lodge county and the new counties of Powell and Daly were created at that session. The oldest counties of Montana were fully organized by the territorial legislature at the first session, the act being approved by the governor February 2, 1865. By the provisions of that act, all the territory lying outside the boundaries of the organized counties was to constitute the county of Big Horn, which was changed to Custer in 1877, which was the only change made between the census years 1870 and 1880. In 1881 Silver Bow county was formed from parts of Custer and Gallatin in 1883, and Fergus was constituted from part of Meagher in 1885. Two years later at a special session of the legislature Cascade county was created and organized. It was cut out of Lewis and Clarke, Choteau and Meagher counties. The same year Park county was formed from part of Gallatin. Thus, at the time the census of 1890 was taken, there were sixteen counties in Montana, but the Territory had in the meantime become a state. During the next decade, still further changes occurred in the boundary lines of a

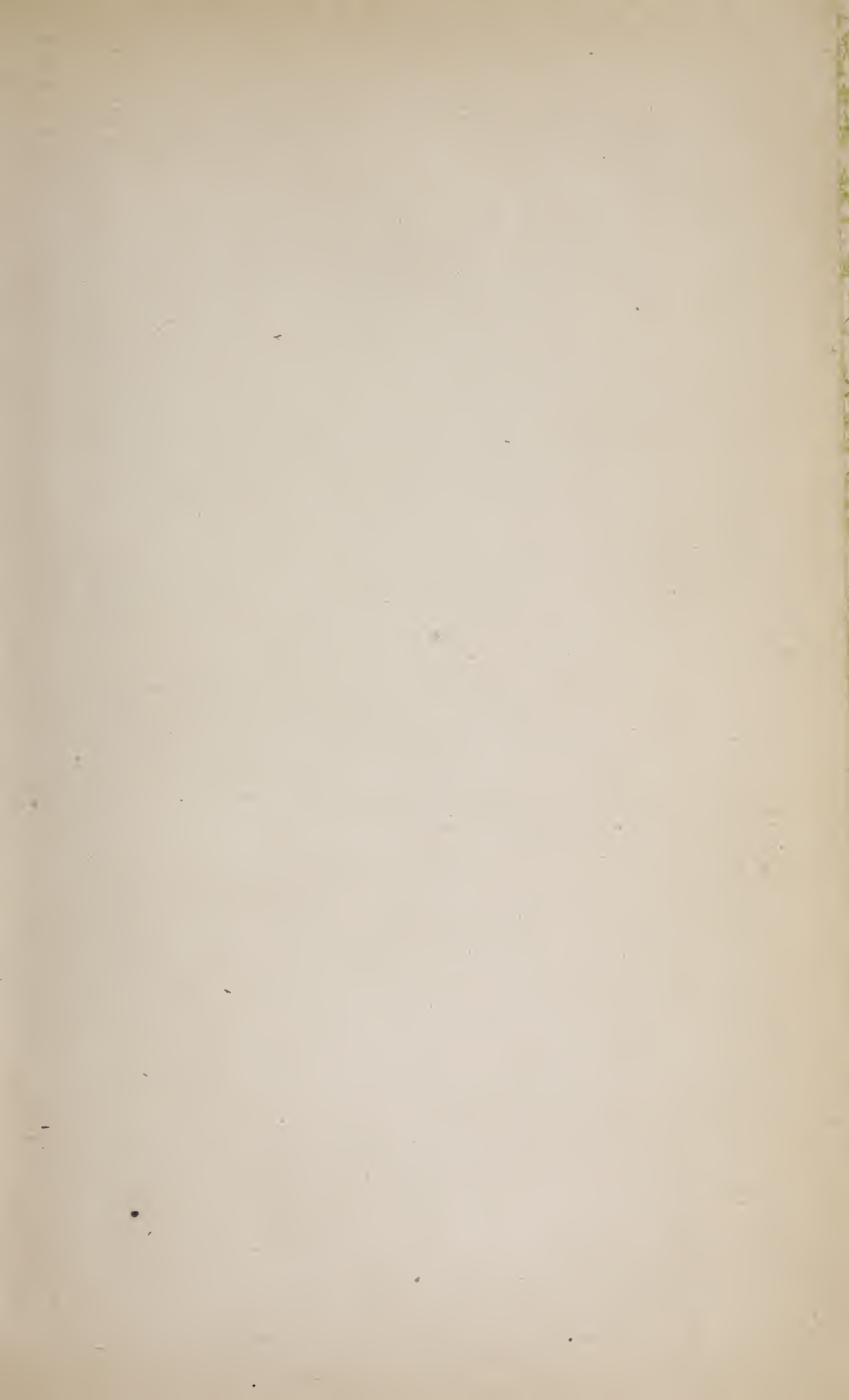
number of these sixteen counties. In 1893 five new counties were established. Granite was organized from a part of Deer Lodge; Flathead and Ravalli were cut out of Missoula; part of Choteau was taken to form the county of Teton, and Valley county was organized from part of Dawson. Carbon county was organized in 1895 from parts of Park and Yellowstone, and at the same time Valley county was enlarged by annexations from Park, Yellowstone and Meagher. Parts of Meagher have also been added to Cascade and Lewis and Clarke since the census of 1890 and in 1897 the county of Broadwater was formed from parts of Meagher and Jefferson. Parts of Deer Lodge county have been annexed to the counties of Lewis and Clarke and Flathead in recent years, and some other minor changes have been made in boundaries, which account for what might otherwise seem to be an erratic movement of population as shown by the last four census reports.

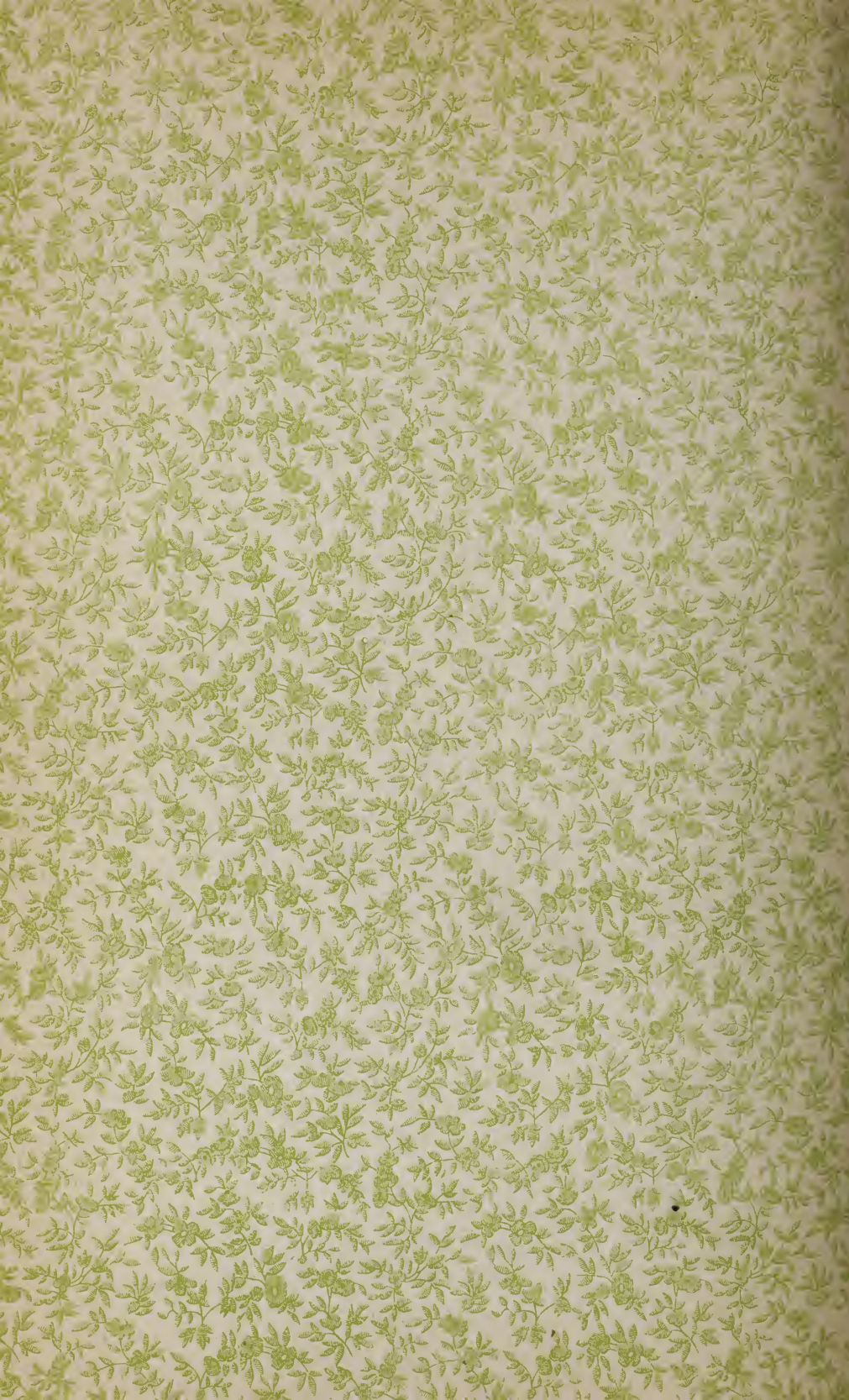
Montana, with its 146,080 square miles, is an empire within itself. It is larger than all of New England, New York, Maryland and Delaware, and nearly 117 times as large as Rhode Island. A province equal in size to the whole of England, Scotland, Wales and Ireland could be cut from Montana, and enough territory would be left to form a state nearly as large as West Virginia. It might be appropriately called the State of magnificent distances. The average length from east to west is 535 miles and the average breadth from north to south 275 miles. And less than half a century ago all this vast domain lay in a state of nature, untrodden, except for a few Indian traders, by the foot of civilized man.

But size alone will not build up a great state. There are other attributes of greatness, natural resources, character of the people, etc., that are even more essential than area. Because Montana is a state of the mountains, one might be led to suppose that the soil is sterile and unproductive. No greater mistake could be made. Between the mountain ranges are broad, fertile valleys where cereals, vegetables and fruits can be grown as well as anywhere in the country. This is especially true of the Bitter Root valley, which is the great fruit belt of the State, Ravalli county alone having more than 300,000 fruit trees. The mineral resources of the State, with gold and silver in the van, are inexhaustible. Upon the plains, in the eastern part of the State, are herds of cattle and flocks of sheep that help to increase the material wealth of the State almost if not quite as much as the mines. Within the borders are three thousand miles of railroad, which,

with the navigation of the Missouri river to Fort Benton keep Montana in close commercial relations with the outside world. The capital, although located in a valley that was thought to be the "Last Chance," is a wealthy city, in proportion to population, and is preeminently a city of homes.

In the character of her people Montana is to be congratulated. The first settlers of a new country must be inured to hardships and not easily dishearted. Such were the pioneers who wrested Montana from its primeval solitude—from the wild beast and savage native—and made it a civilized state. Behind the rough exterior of the hardy miner of the early days, was generally an honest heart and a noble impulse. He loved fair play, sympathized with the unfortunate, and despised hypocrisy of any kind. Leaving homes where law was established, most of these pioneers carried into the wilds of the Rocky mountains a love of right simply for the sake of right. And to the rugged sentiments of these rugged men is probably due the sturdy nature of Montana's laws, and the substantial character of her institutions. At the time of her admission into the Union, she was free from bonded indebtedness, and that record has been steadfastly maintained. Her school system, established in 1872, has kept pace with the progress in other directions and ample facilities for securing an education is secured to the children of the State for all time to come. Great irrigating systems that will reclaim millions of acres of arid lands and give homes to thousands of homeless from all over the crowded country are contemplated. When this is accomplished, Montana's greatness will have just begun. The sun of the nineteenth century set upon less than forty years of progress which had brought forth marvelous results, but at the same time the sun rose upon the twentieth century full of promise.





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